

United States v. LoCascio, No. 90-cr-1051 (ILG)

PETITIONER'S MEMORANDUM IN SUPPORT OF MOTION
TO VACATE, SET ASIDE, OR CORRECT SENTENCE PURSUANT TO
28 U.S.C. § 2255 AND REQUEST FOR EVIDENTIARY HEARING

Exhibit 8

1 cutting myself and my client off from viewing the jury for 15
2 minutes when the government is arguing counts that apply
3 directly to us.

4 THE COURT: Mr. Mitchell, to the extent that it's
5 possible, we'll move the charts and the easel to a point in
6 the courtroom where you won't be blocked.

7 MR. MITCHELL: Thank you.

8 THE COURT: To the extent that it isn't possible,
9 Mr. Mitchell, you'll move around in front of the charts, and
10 if you have an objection you will note it for the record.

11 MR. MITCHELL: I would note it, your Honor.

12 THE COURT: All right.

13 Anything else?

14 MR. GLEESON: No.

15 THE COURT: Let's go.

16 Is there some reason why the charts couldn't be moved
17 back here if they are large enough?

18 What would have been a good idea is to take a video
19 photo of those charts and put them up on the screen. That
20 might have been a good idea.

21 MR. GLEESON: Thank you, your Honor.

22 THE COURT: All right. Get the jury.

23 (Jury present.)

24 THE COURT: Good morning, ladies and gentlemen.

25 JURORS: Good morning.

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1 THE COURT: At the recess on Wednesday I believe I
2 told you that what is left in this trial is for the attorneys
3 to sum up, make their closing arguments.

4 You may recall I told you that the oral presentation
5 in that regard will be that the government will sum up first,
6 the defendants will sum up thereafter, and the government will
7 have an opportunity to reply.

8 The government is permitted to address you first and
9 to address you last in recognition of the heavy burden of
10 proof which the law places upon the government in a criminal
11 case.

12 When the summations are finished, I will instruct you
13 regarding the law that you must consider during the course of
14 your deliberations and you will begin your deliberations.

15 We are going to start with the summation by the
16 government, the government's closing arguments.

17 I want to remind you, as I think I have had occasion
18 to do from time to time during the course of the trial, or
19 perhaps I spoke to you about this during the instructions I
20 gave you at the beginning of the case. You will remember that
21 I told you then that anything that the lawyers may say during
22 the course of the trial, for that matter, anything that I say,
23 is not evidence. Anything that Mr. Mitchell -- I'm sorry,
24 Mr. Gleeson or Mr. Cardinale or Mr. Krieger may say during the
25 course of their summations is not evidence in this case.

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1 Now, there are some easels which have been placed in
2 front of you. Those easels will be used to support some
3 charts and summaries which the government has prepared.

4 I'll have occasion to tell you during the course of
5 my instructions that there are two different kinds of charts
6 and summaries. There have been charts which have been
7 received in evidence as exhibits, and have been marked as
8 such. Those charts, having been received in evidence, may be
9 considered by you as part of the evidence in this case just as
10 you can consider any other evidence in this case, any other
11 exhibit.

12 There are charts and summaries which will be used
13 this morning, and perhaps tomorrow by the defendants, which
14 have not been received in evidence but which are used as
15 pedagogical devices, that is, aids to assist you in
16 understanding the evidence as it has been presented.

17 Those charts, shall be represented by the persons
18 using them, accurately reflect the evidence upon which the
19 charts have been constructed and on which they are based.

20 It will be for you to determine whether the charts
21 accurately do reflect the evidence as it has been presented in
22 this case.

23 If you conclude that the charts do not, you can
24 disregard all or any part of the chart which you don't believe
25 accurately reflects the evidence that the chart is intended to

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Summation/Gleeson

1 depict.

2 Having said all that, Mr. Gleeson, if you are ready,
3 why don't you begin.

4 MR. GLEESON: Thank you, your Honor.

5 MR. GLEESON: May it please the court: Good
6 morning, ladies and gentlemen.

7 JURORS: Good morning.

8 THE COURT: Keep your voice up, Mr. Gleeson.

9 MR. GLEESON: I will, your Honor.

10 As Judge Glasser just told you, this is our chance,
11 this is the government's opportunity, to summarize the
12 evidence for you, to show you, to help you look at the
13 evidence, to show you how it establishes the charges, the
14 proof of the charges in this case. You have heard lots of
15 evidence over the last six weeks about lots of crimes. Some
16 of those crimes are charged in this indictment; some are not.

17 We will this morning, and for as long as this
18 afternoon as it takes, bear with me. We will go over the
19 evidence. We will separate out what is charged from what is
20 not charged. We will walk through the evidence together and
21 we'll see how the proof establishes the government's burden
22 with respect to each and every charge in the indictment.

23 I am going to help you summarize the evidence, and I
24 mean it when I say "help you." By the time you are done
25 deliberating in this case, you will do this yourselves, you

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Summation/Gleeson

1 yourselves, as a deliberative body, will summarize the proof.
2 It consists of a number of functions.

3 One is to organize it. The proof in a trial -- a
4 trial is a very formal thing, as you know -- the proof comes
5 in tape by tape, witness by witness, not event by event, not
6 chronologically. We will now, ladies and gentlemen, put these
7 pieces together.

8 Another part of summarizing the proof, what I will do
9 this morning, what you will do, I submit to you, in that room,
10 is using the evidence. By that, I mean you will look at one
11 piece of proof, whether it's a document or piece of testimony
12 or a tape, and you will be able to test it against the other
13 proof in the case. You will be able to use an action, an
14 event, a statement that relates to one thing, and see how it
15 supports the conclusion we respectfully will submit to you you
16 should draw about something else.

17 The proof came in as a whole. We will parse it out
18 into the charges in the indictment. I will this morning and
19 this afternoon show you ways to use the proof, and I guarantee
20 that you will find other ways when you go in to deliberate on
21 these charges.

22 You will go through this proof, all of which is
23 available to you. As you sift through it you will find
24 ways -- there are 12 of you, one of me -- you will find ways
25 in which the proof establishes the charges, corroborates

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Summation/Gleeson

1 itself with respect to other charges. That's what you will
2 do. When you are done this morning. I am going to help you
3 start.

4 Before I do that, let me make a few overall points.
5 Everyone involved in this case, the parties, the lawyers,
6 everyone understands and acknowledges the tremendous hardship
7 that you people have endured as a sequestered jury.

8 There are judges in this building who are known to
9 say to jurors, "I don't thank jurors for what they do because
10 jury service is a duty. It's a fundamental duty of
11 citizenship."

12 Well, there are duties and there are duties. And the
13 one, the personal sacrifice all of you have made has not gone
14 without notice, and I'm sure I speak for everyone in the
15 courtroom in recognizing just what an unbelievable hardship
16 you have endured, and thank you for it.

17 Also, I would like to, in starting, start the
18 summation, remind you that your hardship was part of an
19 extraordinary effort, an extraordinary effort to maintain your
20 privacy as a jury, to insulate you from anything that doesn't
21 occur in the well of this courtroom. All of you knew, all of
22 you recognized from the jury selection, there was a lot of
23 publicity about this case. You are here because of your
24 ability to set that aside.

25 You endured a hardship. You can rest assured that
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1 publicity did not stop. Part of your hardship was to insulate
2 you from it.

3 The reason for that is very important. This is not a
4 media event. This is not a movie. It's not about movie
5 stars. This is not a stage for oratory. This is a trial in
6 an American courtroom, a trial in which your decision will be
7 based on the evidence that came from that witness stand, from
8 the tape recordings, the other physical exhibits, and on that
9 alone.

10 It's not nearly as exciting as the other stuff. In
11 fact, it can be boring, and I assure you I will bore you
12 before I am done with this summation, because dealing with
13 evidence, dealing with matters that relate to a criminal trial
14 in these United States is what we're here to do. We are going
15 to go through evidence.

16 Judge Glasser admonished you, cautioned you at the
17 outset that nothing that we say, nothing that the defense
18 lawyers say is in and of itself evidence. It's not.

19 I will help you marshal what is evidence. We will
20 piece it together. You will see that the evidence in this
21 case proves the defendants' guilt.

22 Another overall point before we roll up our sleeves
23 and get into it: The overall point is about the type of
24 criminal we're dealing with and the type of crime this case is
25 about. These two defendants, ladies and gentlemen, together

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Summation/Gleeson

1 with Salvatore Gravano, ran a crime family, La Cosa Nostra,
2 the Gambino crime family. In legalese -- and you'll hear
3 plenty of that before you are done, it's important -- in
4 legalese it's an enterprise, the Gambino crime family of La
5 Cosa Nostra.

6 As part of the charges in the case, the existence of
7 that crime family is an element of the offense of
8 racketeering. The defendants' membership in it is an element
9 of the offense. I submit to you, based on this evidence, that
10 no reasonable person could dispute that John Gotti is the boss
11 of that enterprise, of that crime family, since the time Paul
12 Castellano was murdered in December of 1985.

13 I further submit to you that based on this evidence,
14 no reasonable person could dispute that Frank Locascio, at the
15 time that the Ravenite bug was in place in '89 and '90, was
16 the acting underboss. He later became the acting
17 consigliere. He was part of the administration, just as it is
18 beyond dispute that Salvatore Gravano was the official
19 consigliere and later became the official underboss.

20 The evidence establishes that beyond all doubt.

21 John Gotti cannot, will not, need not admit that.
22 Every person in this room, every person in this jury box, I
23 respectfully submit to you, will conclude beyond all doubt
24 that these defendants occupy those positions in that
25 enterprise. There is no real dispute.

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Summation/Gleeson

1 MR. MITCHELL: I object.

2 THE COURT: Overruled.

3 MR. GLEESON: Secondly, I submit to you there is no
4 dispute, no reasonable dispute based on the evidence, not on
5 what I say based on the evidence, that that enterprise, as the
6 indictment charges, consists not just of the administration
7 but consists of those captains. As of November, 1991, when
8 the underboss of the Gambino family quit the mob, became a
9 government witness, there were 21 captains, and there they
10 are.

11 There's plenty of discussion about them and about
12 what they do, and it has been established beyond all doubt,
13 the structure of this enterprise.

14 This is overwhelming proof, ladies and gentlemen,
15 that the Gambino family made money by committing crimes. You
16 heard about many of them: Gambling operations, loanshark
17 operations, labor racketeering. The labor racketeering proof
18 in this case was immense.

19 MR. MITCHELL: I object.

20 THE COURT: Overruled.

21 MR. GLEESON: Out of his own mouth John Gotti told
22 you that he has people in his crime family who control the
23 docks, who control garbage hauling, who control the
24 construction industry, who control virtually the entire
25 concrete industry in New York City. He shared control of the

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1 illegal business of skimming unpaid -- unpaid to the
2 government -- taxes from oil and gas. They control the
3 garment center.

4 There is overwhelming proof that they exercise this
5 control through a second tier of criminals, corrupt union
6 officials who sell out their members. They shake down
7 businesses, they look the other way when a Gambino company or
8 a Lucchese company or a Genovese company violates the union
9 contracts. They help extort contractors to get jobs for
10 family-related companies. They help gangsters skim money off
11 the top of our economy.

12 THE COURT: Mr. Mitchell, you have a continuing
13 objection.

14 MR. MITCHELL: Thank you, Judge.

15 MR. GLEESON: The existence of this enterprise,
16 these defendants' membership in it, the fact that it exists to
17 make money through crimes, is overwhelmingly established.

18 This case is about gambling businesses to some
19 extent, it's about loansharking to a lesser extent, it's quite
20 a bit about obstruction of justice, and it is quite a bit
21 about murder.

22 Murder plays a central role in the business of this
23 enterprise. It is the way in which discipline was
24 maintained. It's the way in which power was consolidated.
25 It's the way in which power was obtained. It was the way to

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Summation/Gleeson

1 deal with people who have the audacity to speak to the
2 government about the enterprise. It was the way to deal with
3 people who have the audacity to be someone who John Gotti
4 thinks might be a rat some day. Murder is the heart and soul
5 of this enterprise. We will talk a lot about murder today.

6 Let me get to this overall point I was going to
7 make. These people are at the top of this enterprise. There
8 are points in these tapes where John Gotti reminisces about
9 the old days when all he was doing was hijacking, when Carlo
10 Gambino sent him a piece of work. But as it relates to this
11 case, these men were at the top. They committed their crimes
12 by talking. It's a very important point.

13 In 1985 through 1990, which is what this case is
14 about, John Gotti did not pay off union officials. He did not
15 run chemin de fer games. He did not run sports betting
16 operations in Connecticut. He did not go out and shoot people
17 in the face. He had other people do that for him.

18 Frank Locascio was his top advisor, along with
19 Gravano. They did not go out and commit the crimes while they
20 were members of the administration. They only committed their
21 crimes just by talking, but with very few exceptions, they
22 only talked to each other.

23 John Gotti spoke to Frank Locascio and Salvatore
24 Gravano from time to time -- we'll get to a couple of examples
25 this morning -- he got mad, he went in the hallway with Pete

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1 Mosca, the "we'll sever your head off" tape.

2 From time to time, he would err from that, but his
3 goal, it was to speak just within the administration, the two
4 people in the administration.

5 You may remember a very telling piece of conversation
6 from the December 12, 1989 apartment where John Gotti talks
7 about his brother, Peter Gotti, an acting caporegime in the
8 Gambino family, and John Gotti talks of his brother along the
9 following lines:

10 He can't get it straight. He keeps coming to me. I
11 keep telling him, unless it has to do with our own mother,
12 don't come to me. Go see Frankie, go see Sammy.

13 These defendants insulated themselves. They have
14 committed their crimes by talking, and they only talked to
15 each other. It used to be that in the middle used to be
16 Salvatore Gravano. Until 10 weeks and 3 days before you came
17 in to be selected for this jury, Salvatore Gravano sat there.
18 The three of them committed their crimes by talking, and they
19 only talked to each other.

20 Mr. Krieger suggested to you in his opening
21 statement, ladies and gentlemen, that the reason they went up
22 to the apartment was to get away from the noise, get away from
23 the people coming, walking back and forth.

24 Well, the evidence shows that they went up there to
25 get away from us. He also suggested, and you were shown those

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1 videos. You were shown the videos of the seemingly endless
2 walk/talks around the block. You were shown those for a
3 purpose. Those talks are for a purpose. There's a conscious
4 effort not to be heard when they are discussing among
5 themselves committing crimes.

6 Mr. Krieger suggested to you in one of his last cross
7 examinations of Agent Gabriel that, well, he did this on a
8 regular basis. I suggest to you that he was suggesting to you
9 that John Gotti is a health nut, walks around the block every
10 day because it's good, good for his health.

11 In fact, the evidence shows that just like they went
12 to the apartment to get away from us, they took the walk/talks
13 to get away from us.

14 I am about to start, I will quote to you this morning
15 a number of occasions from the tapes. There is a truly
16 overwhelming amount of evidence in these tapes, ladies and
17 gentlemen.

18 The tapes are the evidence, not what I say. It's
19 tempting, but I know the limits, it's tempting to play them
20 all for you. You are used to them now. You are used to the
21 jargon. You're used to what they are talking about. It's
22 tempting to play them all for you. There aren't that many,
23 seven thin books. They go kind of fast, but I can't do that.

24 I will quote to you from time to time this morning,
25 and I will use charts for that purpose, to put things in

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1 chronological perspective, but I urge you, though, don't take
2 my quotes. They are there. You should listen to these tapes
3 in your deliberations.

4 I am going to explain to you how the tapes were
5 organized. There is, believe it or not, a method to the
6 madness of those books and the order in which the tapes were
7 played. I will explain that to you.

8 In this connection, on why they go to the apartment
9 and why they take walks around the block, I had literally
10 pages of quotes for you. I'll read you just a few from the
11 January 14, 1990 apartment.

12 Gotti: I'm supposed to tell them. I want to talk to
13 you two blocks up. I'm talking to you, six blocks around I'll
14 talk. In the same tape after I heard these tapes today,
15 Sam -- he was then on trial in state court -- I talked to
16 you. We got to meet on the moon. On how his carelessness can
17 get you locked up, but if a guy, if I know a guy's weak and I
18 let him go running around in the street, get you locked up,
19 I'm a rat, too.

20 In the same quote, same day: We're talking right
21 now -- this is with John D'Amato, the underboss of the
22 Cavelacante family up in the apartment when they are talking
23 about killing "Corky" Vastola -- we are talking right now, get
24 caught on this floor. We didn't mean to hurt you. We're
25 taking some kind of precaution. That's a precaution up there.

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Summation/Gleeson

1 Gravano told you this. It's an 82-year-old woman who
2 had that apartment. They didn't think we would bug it, didn't
3 think we knew about it. They knew we couldn't see them go up
4 the back stairs.

5 Sneak and meet me tomorrow night somewhere. I'll
6 meet you in a graveyard. That's a statement to Mike Coiro.

7 I will finish these segments with this one.

8 Yeah, but let me give you an example. I'll tell
9 Angelo, hey, you've gotta do me a favor, I tell him don't make
10 nobody come in, don't make nobody talk. This is how we get in
11 trouble, we talk.

12 He makes my point for me, and I submit to you, ladies
13 and gentlemen, when you have this type of criminal committing
14 this type of crime, there are only two ways to prove it. He
15 has an absolute -- these defendants have an absolute
16 constitutional right -- it's the backbone of our system of
17 justice -- they have an absolute constitutional right to make
18 us, to put us to our proof. That is our obligation.

19 There are two ways to do it: One, catch them talking
20 about their crimes. Figure out a way to find those secret
21 meetings and record them.

22 There's one other way. Get one of them to come in
23 here and tell you about the crimes. We did both.

24 In 1989 and 1990. We caught Gotti, Gravano and
25 Locascio running this crime family. Not in a social club.

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Summation/Gleeson

1 They learned from their mistakes. They learned from the
2 Bergen Hunt and Fish Club. You heard him talking on the tape
3 how embarrassed he was for getting caught on the tape. They
4 learned.

5 They don't commit their crimes in the Ravenite Social
6 Club. They take a walk around the block. They meet sneaky in
7 a graveyard somewhere or, when they are tired and it's cold
8 and it's wintertime and they are a little bit lazy, they find
9 a place where they think we can't catch them.

10 We only caught six hours of conversation. They only
11 went to that apartment five times. It probably seems like
12 more because the conversations are so dense with criminal
13 activity.

14 Mr. Krieger said in his opening statement that these
15 tapes open a window into John Gotti, and we could not agree
16 more. We caught six hours of it, six hours of that.

17 You see how much of it happens. You see on the
18 screen how much of it happens. We caught six hours, and it's
19 absolute mayhem. Who they murdered, who they are going to
20 murder. Why they have to murder people. How much money they
21 are making from the docks, from the construction. Six hours.

22 Based on those tapes, which have never been played
23 before, tapes from the Ravenite Social Club, from the hallway,
24 from the apartment have never been played before, we indicted
25 Gotti, Locascio and Gravano.

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1 Until November of 1991, that's what we had; that's
2 all we needed. Those tapes convict these defendants. In late
3 October, almost a year after the arrests, as I mentioned to
4 you before, Salvatore Gravano, one of them, decided to quit,
5 absolutely unprecedented, the underboss of the Gambino crime
6 family --

7 MR. MITCHELL: Objection.

8 THE COURT: Overruled.

9 MR. GLEESON: The underboss of the Gambino crime
10 family, an organization that, if they think you might be a rat
11 some day -- "Corky" Vastola -- they will kill you.

12 The underboss decides to quit, a member of the inner
13 circle with personal knowledge and participation, John Gotti's
14 best friend decides to quit. He told you who these people
15 are. He told you who he is.

16 The tapes opened a window into this organization,
17 into the administration. Salvatore Gravano opened the door
18 onto the entire Gambino crime family.

19 He went from there to there. You had the benefit of
20 that, in addition to the tapes.

21 You'll see, as we go through the proof, Gravano
22 testified about a number of additional crimes. The indictment
23 stayed the same. These defendants are on trial here for the
24 charges they were indicted with, with Gravano. You have the
25 tapes that convict them and now you also have Gravano.

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1 Gravano's testimony, I submit to you, makes the proof
2 in this case absolutely suffocating. We'll talk at length
3 about Salvatore Gravano. What he did to this case was make
4 the proof suffocate them.

5 As we go through the evidence we'll combine some of
6 Gravano's testimony with some of the tapes, but generally
7 speaking, we'll walk through the counts in this indictment and
8 we will show you -- we will walk together through what they
9 said, what they said on tape that convicts them, and we'll
10 also walk through what Salvatore Gravano said.

11 You will see, ladies and gentlemen, and I submit to
12 you -- you have common sense, that's why you are here -- I
13 submit to you based on his examination you could, you should
14 draw certain conclusions about whether he was telling you the
15 truth, but we will also, as we walk through the proof, show
16 how the rest of the evidence shows you that Salvatore
17 Gravano's testimony is corroborated in every single respect.

18 Okay, let's talk about the charges. The court will
19 instruct you, of course, on the law. There are two charges in
20 this indictment that act almost as umbrella charges. They are
21 called racketeering charges.

22 Count One is a RICO count, Count Two is a RICO
23 conspiracy. Don't be intimidated by the law. The judge will
24 explain it very carefully. For the purposes of my summation,
25 I would like to just highlight, in essence, what it is the

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1 charges are about.

2 Count One is RICO. It charges that these defendants
3 participated in the affairs of the Gambino family through a
4 pattern of racketeering activity.

5 Count Two is a racketeering conspiracy. They
6 agreed -- and the judge will instruct you on what a conspiracy
7 is -- they agreed with others to participate in the affairs of
8 the Gambino family by agreeing to participate through a
9 pattern of racketeering activity.

10 It sounds like legalese. It is. The elements of the
11 offense the judge will give to you. We need to prove the
12 existence of an enterprise, an association in fact. This, the
13 Gambino crime family, is an enterprise extraordinaire.

14 There it is. You heard about it from the mouth of
15 John Gotti, and occasionally from the mouth of Frank Locascio,
16 though he doesn't speak much on the tapes, and from Salvatore
17 Gravano.

18 We will have to prove the enterprise affected
19 interstate commerce. The proof of that is all over the
20 record. It not only affected interstate commerce, shipping,
21 the docks and construction, it engaged in its own interstate
22 commerce with its activities in Connecticut and other states.

23 We need to prove to you that each defendant engaged
24 in a pattern of racketeering activity. That means two or more
25 racketeering acts. In a moment we'll go through the

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1 racketeering acts that are charged.

2 MR. MITCHELL: Objection.

3 THE COURT: Overruled.

4 MR. GLEESON: Finally, we need to prove to you that
5 the pattern of racketeering in which they engaged was, in
6 essence, the defendants' way of participating in the Gambino
7 family.

8 The charges in this indictment include a total of 12
9 racketeering acts charged against John Gotti. Frank Locascio
10 is charged with seven.

11 Mr. Maloney said to you in his opening remarks that
12 although two can constitute a pattern, as you'll hear the
13 instructions from the judge, each and every charge in this
14 case is important and each and every one, I submit to you, is
15 proved by overwhelming evidence.

16 MR. MITCHELL: Objection.

17 THE COURT: Overruled.

18 MR. GLEESON: Also, some of the racketeering acts
19 which are alleged under the umbrella of the RICO count also
20 constitute separate counts in the indictment. The conspiracy
21 to murder and the murder of Robert DiBernardo is one of the
22 racketeering acts. It's also a separate, wholly apart from
23 this inclusion within the affairs of the enterprise, it's a
24 separate count in the indictment. You're not allowed to
25 murder people, whether or not it's in the RICO count.

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Summation/Gleeson

1 I have a chart, I have a number of charts. Before
2 this morning and this afternoon is over, these charts will be
3 falling all over me, I guarantee you.

4 The charts are here for a single purpose. They are
5 not evidence. They are designed to help us -- help you and me
6 visually depict things like the charges; to visually depict in
7 a chronological way the proof.

8 We tried to present this proof in an orderly
9 fashion. I'll get to that in a minute, I will get to what is
10 in each book. This proof is yours. You will get the physical
11 exhibits in the jury room. You can and you should ask to hear
12 back the tapes upon which this evidence -- this case relies.

13 You can and you should hear it back. That's why this
14 gentleman is here, to take down what is said. He took down
15 the testimony of Salvatore Gravano. You can and you should
16 ask to hear it back, the evidence, yourself. We'll work on
17 ways of piecing it together this morning.

18 THE COURT: Can you move that easel, perhaps, back
19 there?

20 Let's try it.

21 Move the easel back there to the end of that table.
22 Move it back there. Try it.

23 MR. GLEESON: Very well, your Honor.

24 With respect to each of these charts I'll help. I
25 have gone this enough to know that the minute you put up a

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Summation/Gleeson

1 chart, obviously, people start reading it.

2 Just as a preliminary, as we go through each chart I
3 will help. We are going to go through box by box,
4 particularly when we get to charts that sort out the evidence
5 for you, I will read to you what is there. If you have
6 difficulty reading it, especially those at the far end, I will
7 read it for you. We'll walk through it together.

8 Don't be concerned about having to read it all at
9 once. Don't be concerned about what is in the boxes. To the
10 extent you can't read it, I will help you with them.

11 The charges in this case, the charges that I will
12 focus on this morning and this afternoon, the charges in the
13 indictment include the murders of Paul Castellano and Thomas
14 Bilotti. This murder -- although these murders, Castellano
15 Bilotti, DiBernardo, Milito, DiBono all say murder, you will
16 see, and you will hear from the judge, each of them involve
17 both an agreement to commit the murder and the murder itself.

18 John Gotti alone is charged with the murder of Paul
19 Castellano and Thomas Bilotti. Frank Locascio is not charged
20 with that. Also charged, the Castellano and Bilotti murders
21 are racketeering acts 1 and 2.

22 John Gotti alone is charged with conspiring to murder
23 and murdering Robert DiBernardo. John Gotti alone, alone
24 among the defendants here -- Gravano was charged also with
25 DiBernardo -- John Gotti is charged with conspiring to murder

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1 and murdering Louie Milito. Continuing with the murders, both
2 defendants are charged with conspiring to murder and murdering
3 Louie DiBono. Both defendants are charged with conspiring to
4 murder "Corky" Vastola.

5 There are, during the period of time that the
6 Ravenite surveillance took place in '89 and '90, the window
7 was opened into the activities of the Gambino family, and you
8 got to see how heavily they are into obstructing justice.

9 There are three separate obstruction of justice
10 counts. Racketeering act 11, which is also alleged as Count
11 Twelve in the indictment, is the obstruction of the Thomas
12 Gambino trial. It's the George Remini contempt.

13 Racketeering act 12, the obstruction of justice of
14 the Castellano grand jury investigation in the Southern
15 District of New York. We will go through the proof of each
16 and every one of these colored boxes.

17 Racketeering act 13 is the bribery of a public
18 servant. It's the bribery of a New York City police officer.
19 It is the hook that John Gotti has through George Helbig and
20 Joe "Butch" Corrao.

21 Also charged separately, not within the RICO count,
22 is an overall conspiracy to obstruct justice directed not just
23 at that Castellano grand jury investigation, but at the
24 investigation here, the Gambino family grand jury
25 investigation in the Eastern District of New York.

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1 There is a conspiracy to defraud the IRS. Both
2 defendants are charged with that. Both are charged with the
3 overall conspiracy to obstruct justice. Both are charged with
4 obstructing the Castellano murder investigation. Both are
5 charged with bribery of a public servant. Only Gotti is
6 charged with corruptly intimidating and persuading George
7 Remini and Joe "Butch" Corrao not to testify in the Gambino
8 case.

9 There are three charges that are not specific in
10 time. They embrace the period of the indictment. One relates
11 to the illegal gambling business in Queens, the chemin de fer
12 game run by Ralph Mosca and Peter Mosca.

13 The other relates to the illegal gambling business in
14 Connecticut, the Connecticut operation, which was both a
15 gambling and a loanshark operation. It's alleged in
16 racketeering act 9 as one of the gambling businesses.

17 And finally, an agreement to engage in loansharking
18 that extended the period of time in the conspiracy.

19 Each one of these is charged in the indictment as a
20 racketeering act where indicated, as a separate count where
21 indicated.

22 The proof that we presented to you -- there's a
23 danger here, by the way -- we'll go through the proof in the
24 compartments to which it relates -- there's a danger in losing
25 sight of the forest from the trees. Use all of the evidence

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1 in this case when you deliberate. Draw your inferences based
2 on all of the evidence.

3 You will see, I submit to you, you will see that
4 there is proof with respect to certain of these murders that
5 affect others. There's proof with respect to Thomas DeBrizzi,
6 who used to run the gambling operation. We'll get to this a
7 little later. There is proof with respect to DeBrizzi that
8 affects the Louie DiBono murder. Don't lose sight of the fact
9 as we go through the proof in its compartments that you look
10 at it as a whole. Use it all.

11 The method to the madness that I mentioned before is
12 you have seven books. By the way, I intend to go through the
13 charges, the evidence that proves these charges in the same
14 order in which they were proved from the witness stand and
15 through the tapes.

16 Book 1 -- except for the last two conversations that
17 relate to the gambling enterprise in Queens, book 1 was
18 submitted to you as proof of the existence of the enterprise.
19 All of these books prove the existence of the enterprise.
20 Book 1 was designed to focus on the existence of the
21 enterprise, its membership.

22 You may recall testimony about the making ceremony.
23 We'll get to the enterprise proof in a moment. Book 1 was the
24 enterprise proof. The last two conversations in it related to
25 the chemin de fer game in Queens and the problem that arose

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1 because of an encroaching game by Spiros, by the Greeks.

2 Book 2 was entirely from the wiretap on Peter Mosca's
3 phone. Peter Mosca was the person who, along with his father,
4 captain Ralph Mosca, ran that Queens gambling establishment.
5 Book 2 was entirely from that wiretap.

6 You heard only a few of those conversations. They
7 are the conversations where Mosca gets called by Anthony
8 Inguardia to tell him what the cut was the night before.

9 Book 3 was back to the Ravenite tapes, mostly.
10 Book 3 pertains to the murders of DiBernardo, Milito and
11 DiBono. At the end of book 3 are additional conversations,
12 some of which come from the 1986 wiretap right after -- excuse
13 me, 1986 bug in the Bergen Hunt and Fish Club, right after
14 Castellano was murdered, and shed, as we will see as we walk
15 through it, shed considerable additional light on the three
16 murders, DiBernardo, Milito and DiBono, all of which are
17 mentioned explicitly on that December 12 apartment
18 conversation between these two defendants.

19 Book 4 was the Ruggiero bug tapes, a couple of
20 telephone tapes in the beginning. Ruggiero related to
21 narcotics trafficking by John Gotti's crew. A second part of
22 book 4 also related to efforts to obstruct justice way back in
23 1982. Book 4 was an introduction to Michael Coiro. We'll get
24 to that a little later, as well.

25 Book 5 related to the Castellano murder. No reason
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1 for you to recall this now, you might. The first couple of
2 conversations in book 5 were from the Neil Dellacroce bug in
3 June of '85. The next two conversations were from the Bergen
4 Hunt and Fish Club in August and September of '85, right as
5 the period of time before Castellano was murdered approached.

6 Finally, book 5 has in it the very important tape,
7 the part of November 30, 1989 where these two defendants and
8 Salvatore Gravano talk about the murder of Paul Castellano and
9 the reasons for it.

10 Book 6, which you heard more recently, relates to
11 these obstruction of justice charges, getting Remini to commit
12 contempt, Mike Coiro's corrupt hook, Helbig's and Corrao's
13 corrupt hook in the Police Department.

14 The last three conversations in book 6 went on to the
15 next subject, which was the Connecticut gambling. Two of
16 those conversations occurred right after Megale was arrested
17 in December of '89. The third conversation harks back to 1986,
18 when DeBrizzi was running that operation, not Megale.

19 Finally, book 7 related to the Vastola murder
20 conspiracy, and the last few conversations in book 7, which
21 you heard right before we rested, related generally to money
22 generated by the enterprise because, after all, that's the
23 purpose of all this. They don't commit all these crimes for
24 nothing. They commit them to make money.

25 The end of book 7 was just general money

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Summation/Gleeson

1 conversations. Again, don't lose sight of the big picture,
2 but that is how the proof was organized.

3 That is how you can access it when you deliberate as
4 a jury.

5 Now, just a few more preliminary remarks before we
6 get into all of the proof. I want to talk to you, if I might,
7 about Salvatore Gravano, about whom you heard a lot in this
8 case. Gravano for you is a bonus. For nearly a year he sat
9 over there. We were ready to go to trial against all three of
10 them. As I mentioned to you, 10 weeks and 3 days before you
11 came here, he came from there over to the witness stand.

12 In addition to the tapes, you have him. He was John
13 Gotti's best friend and closest criminal associate, and there
14 are a few fundamental realities about Salvatore Gravano that
15 before we get into the proof I'd like to touch on.

16 One is, you can rely on his testimony. It is
17 corroborated up and down. But put that aside. We'll talk
18 about the corroboration. Standing alone, if all we presented
19 to you was Salvatore Gravano, you could rely on that
20 testimony, and I submit to you, you should, if that's all you
21 have --

22 MR. MITCHELL: I object.

23 THE COURT: Overruled.

24 MR. GLEESON: -- to convict these defendants of
25 these charges, you can rely on it. That's the law.

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Summation/Gleeson

1 In their opening statements, counsel referred to
2 Gravano in a variety of ways. Mr. Krieger described him as a
3 little man full of evil. Mr. Cardinale described him as a
4 snake. Remember one thing, we did not choose Salvatore
5 Gravano. They did.

6 We did not select him to be consigliere of the
7 Gambino family and later to become underboss. They did. It's
8 always the case. We would love to bring you witnesses with
9 absolutely impeccable credentials, of unquestionable honesty
10 and integrity, of good moral character. The problem is they
11 don't know any such people. The people that they commit their
12 crimes with, the people in the Gambino crime family are people
13 like Salvatore Gravano. They picked him. He's theirs. He is
14 what he is.

15 I suggest to you, ladies and gentlemen, that there
16 are -- don't for a minute think that I am suggesting to you
17 that you shouldn't be careful in evaluating his testimony.
18 You should. Salvatore Gravano was a major, major league
19 criminal. You should be careful in assessing his testimony,
20 and let me suggest to you just a few factors that should
21 influence your determination as to whether he told you the
22 truth.

23 One, and maybe most important, you have had a chance
24 to watch him testify. He was on that stand for 9 days. You
25 got a chance -- you do this all of the time in your normal

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1 lives. You are here because you have common sense. You
2 always have to size people up, see whether people are leveling
3 with you, see if what they are saying sounds true, look at
4 their demeanor.

5 You had a chance to observe how he answered
6 questions, both on direct examination and on
7 cross-examination. I submit to you that the longer he was on
8 the stand the more apparent it was that he lived all this with
9 these defendants.

10 Based on your observations alone, on your evaluation
11 of his testimony as he gave it, I suggest to you, you should
12 credit it, and you could, and you should.

13 Also, as you evaluate his testimony, look and see
14 whether or not he had an incentive to tell you the truth.
15 There's a written plea agreement that is Government's
16 Exhibit 904. It's very important. This agreement is very
17 important. It provides an enormous incentive for Gravano to
18 tell you the truth, and he needed an incentive. He's a
19 criminal. You will have this agreement. You have heard a
20 fair amount about it already. You'll have it to review.

21 If Salvatore Gravano leaves out a crime that he
22 committed, he can be prosecuted for that crime. He has an
23 incentive to tell us everything. More importantly, Salvatore
24 Gravano gives false testimony, he lies, he commits a crime,
25 attempts to commit another crime, all bets are off. He's far

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1 worse off under this agreement than if he never cooperated,
2 because not only can he be prosecuted for everything, but all
3 of the statements, including those from the witness stand, can
4 be used against him.

5 That is with respect to us. We're the government.
6 He executed this agreement with the United States Attorney's
7 office for the Eastern District of New York. Mr. Maloney
8 signed it. That is the incentive he has with respect to us.

9 Then comes the judge. Gravano was required, as a
10 condition of entering into a cooperation agreement with the
11 government, to plead guilty to a racketeering count with a
12 maximum possible sentence of 20 years with no parole.

13 We will make no recommendation as to the length of
14 his sentence. We will make a report to the judge as to our
15 assessment of his truthfulness, his honesty, the prosecutive
16 value. We will make a report to the judge about his
17 cooperation. There will be no recommendation as to his
18 sentence.

19 Mr. Krieger's opening was full of terms like
20 absolution, amnesty, pardon. The reality that cannot be
21 disputed is that if Salvatore Gravano gets one day less than a
22 20-year sentence, it's because Judge Glasser will have
23 determined at that time that that is appropriate.

24 Even with all the good time credits, if he gets them,
25 all to which he might be entitled over a 20-year sentence.

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Summation/Gleeson

1 Salvatore Gravano, if he gets that 20-year sentence, would not
2 get out of jail until the middle of the year 2008. If he gets
3 out of jail one day before then, it's because Judge Glasser,
4 not the government, it's because Judge Glasser felt that is
5 appropriate.

6 MR. MITCHELL: I object.

7 THE COURT: Overruled.

8 MR. GLEESON: Let me just say a couple of other
9 things, a few other things about this agreement. And I say
10 this with all respect to you, ladies and gentlemen.

11 The issue in this case is not whether the defendants
12 approve of this agreement. It's not whether, with all
13 respect, it's not whether you approve of this agreement. Your
14 job is to judge the facts. The issue here is whether these
15 defendants on trial are guilty of the crimes with which they
16 are charged. Don't let them put someone else on trial.
17 Salvatore Gravano's credibility is very much at issue here,
18 but he's not on trial, they are.

19 It would be entirely within our rights under the law,
20 in order to attempt to prove the guilt of these two
21 defendants, to immunize Salvatore Gravano. Realistically, you
22 have a feel for already based on the proof in this case as to
23 whether we could just go out and confer immunity on a member
24 of the Gambino family and expect him to testify. You saw that
25 with George Remini.

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Summation/Gleeson

1 In theory, we would be entitled to do that. We
2 didn't. We gave him an enormous incentive, both in his
3 relationship with us and in his relationship with the judge,
4 to tell you the truth.

5 The defendants want you very much, also, to believe
6 that we made a deal with Salvatore Gravano in order to get
7 John Gotti and Frank Locascio. Like everything else that is
8 said to you, look to the evidence. The facts show otherwise.
9 We have John Gotti, Salvatore Gravano and Frank Locascio. We
10 were ready to go without Gravano. He came to us. He makes
11 the proof in this case suffocating.

12 The real significance to Gravano is not this case.
13 He helped you enormously. That's true. The real significance
14 to Gravano is not this case, because John Gotti opened the
15 window on to this case. There are no new charges based on
16 Gravano. All of those were provable before we had Gravano.

17 The significance of Gravano is he opens the door to
18 them. Don't let them tell you, because it's not based on this
19 evidence, that a deal was struck with Gravano to prove a case
20 we were ready to go with.

21 There's no ignoring the fact that Gravano had
22 involvement in 19 murders. It doesn't matter, really, that we
23 would not have known about 16 of them. We would never have
24 been able to prove 16 of them if he didn't tell us about
25 them. He committed 19 murders.

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Summation/Gleeson

1 As you hear the arguments, as you listen to the
2 defense arguments, think of this: Who are they, who are John
3 Gotti and Frank Locascio to tell you that, especially under
4 these terms, with this incentive to tell you the truth, that
5 Salvatore Gravano cannot provide you testimony?

6 Of course he's involved in 19 murders, and when you
7 listen to these tapes your reaction ought to be:

8 What did you expect? Murder is their thing.

9 When he sat there and was John Gotti's best friend,
10 he had 19 murders under his belt. When he sat with them in
11 the Ravenite Social Club and in the Ravenite apartment he had
12 the same number of murders. Don't let them tell you you can't
13 rely on the word of people like Salvatore Gravano, because
14 those are the people they hang out with.

15 MR. MITCHELL: I object.

16 THE COURT: Overruled.

17 MR. GLEESON: Now he's quit the mob in exchange for
18 the truth about that mob, about the Gambino crime family.
19 He's looking for a shot at a future. There's no question
20 about that. If he gets that shot before the middle of 2008,
21 Judge Glasser will have found that's appropriate.

22 Let's go to the proof. The long and short of it is,
23 you have them on tape, you have their closest criminal ally
24 telling you what they did. I submit to you, ladies and
25 gentlemen, you can and you should convict on the tapes alone.

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Summation/Gleeson

1 I submit you can and you should convict on Salvatore Gravano's
2 testimony alone. Together, as I've already mentioned, the
3 proof is absolutely overwhelming.

4 I'm not going to play a lot of tapes as we go through
5 the proof. I mentioned to you, I'm not going to give you
6 books. The tapes are there. We are going to go through
7 pieces of them.

8 As I mentioned, the case started with the proof of
9 the enterprise, book 1, conversations in there that relate not
10 to any of these crimes specifically but to the entire
11 organization. I don't really plan to dwell on this here. As
12 I mentioned to you, there can be no dispute that this
13 enterprise exists. It's called the Gambino crime family.

14 I submit to you there's no dispute John Gotti was its
15 boss, Frank Locascio was its acting underboss in January of
16 1990. Salvatore Gravano was its consigliere in January of
17 1990. On January 4 John Gotti offered the position of
18 official underboss on tape to Gravano. Gravano took it. You
19 learned that from him. He took it. He became official
20 underboss. Locascio became acting consigliere.

21 Joe "Piney" Armone had previously been convicted, was
22 in jail. He was the official -- he had the official position
23 for which Locascio had the acting position until he died
24 recently.

25 John Gotti identifies roles of people in the
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Summation/Gleeson

1 enterprise in book 1. They discuss who to make. They discuss
2 beefs with other families. One of the things you should have
3 learned in this trial is there are five crime families, but
4 they are not insular. They work with each other. If the
5 Genovese family has a union that can help out a made guy in
6 the Gambino family, they do that for each other.

7 The only thing more certain than the existence of
8 this enterprise and these defendants' membership in it and
9 their positions as alleged is the fact that no matter how
10 certain it is, it will never be admitted.

11 John Gotti's insistence that there be no admissions
12 is explicit. It's included within book 1, the February 27
13 club tape. People I'm friendly with don't want to make no
14 admissions. I don't care what tapes say.

15 April 18, he and Bruce Cutler, basically bad mouthing
16 erudite professional types, the egghead types who refuse to
17 say we dispute the existence of the Mafia.

18 There's a rule in the organization. You cannot plead
19 guilty if the result of that is an admission of the Gambino
20 crime family.

21 Everyone in this courtroom, including you, knows,
22 based on this proof, that the Gambino crime family exists and
23 that these men are members of it.

24 The attorneys cannot and will not admit it.

25 MR. MITCHELL: Objection, your Honor.

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Summation/Gleeson

1 THE COURT: Overruled.

2 (Continued next page.)

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Summation - Gleeson

1 MR. GLEESON: (Continuing).

2 That's the rule. We are going to come back to that
3 rule, that principle, a little later on.

4 But first substantive allegation that we proved in
5 this case was the Queens gambling business. It is basically
6 all set forth on tape. The elements of the offense that you
7 will hear from Judge Glasser has to be in violation of state
8 law. The gambling business needs to involve five or more
9 people who basically own or manage or operate the game.

10 A game has to gross more than two thousand in a
11 particular day, or remain in operation for more than thirty
12 days.

13 The tapes from January 18 in the hallway and January
14 24 in the apartment, opens the window, to use Mr. Krieger's
15 expression, into one of the gambling operations operated by
16 Ralph Mosca, a captain in the Gambino Family.

17 You heard testimony, there are other operations. You
18 will hear about one of the other ones here, Connecticut one.
19 But part of the business of the enterprise is gambling.

20 MR. MITCHELL: Objection.

21 THE COURT: Overruled.

22 MR. GLEESON: The conversation from January 18
23 between John Gotti and Peter Mosca tells you what you need to
24 know. It says, how long the game has been in operation. John
25 Gotti, we got a game there for twenty years.

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Summation - Gleeson

1 It says who runs it. Gotti says to Peter Mosca, how
2 many years your father and you got the game there.

3 It says the type of game. Mosca says, this is all
4 from Book 1, our game is chemin de fer.

5 The conversation says what the problem is. The
6 problem is that Spiros Valentzas, who is the boss of the
7 Greeks, to digress just a little bit. The Greeks are a
8 subsidiary of the Lucchese Family. They are a separate crime
9 group headed by Spiros Valentzas who is also under indictment
10 now.

11 They answer to the Lucchese Family in much the same
12 way that the Westies that you heard about, Jimmy Coonan and
13 Bosco, answer to the Gambino Family.

14 The problem is, Spiros, who is allowed to run a
15 barboot game, a dice game in Queens, had opened up baccarat,
16 which is essentially the same thing as chemin de fer.

17 During that conversation, John Gotti recounts some
18 history. He tells you that back when Neil Dellacroce was
19 alive, he died in 1985, they had a beef when Lucchese people,
20 Vic Amuso, currently boss under indictment, "Christy Tick"
21 Funari, formerly in the administration of the Lucchese Family,
22 now in jail, came in. They had a beef. It was decided the
23 way John Gotti put it in that conversation, "Christy Tick" was
24 told no game in that neighborhood.

25 This is classic mob stuff. Normally speaking, the
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Summation - Gleeson

1 administration does not get involved in a chemin de fer game
2 in a sports betting operation. But if there is a beef, like
3 there was back when Neil was alive, when "Christy Tick" came
4 in, the administratioin gets involved.

5 Here there was a beef. Classic mob stuff. Divide up
6 territories. No card -- no chemin de fer or baccarat games in
7 Astoria because that's our neighborhood. We've had it for
8 twenty years.

9 That's the problem. That's why Pete Mosca comes in.
10 That's why they go to the hallway. That's why you have the
11 conversation.

12 Somebody encroaches, the administration gets
13 involved, and John Gotti gets hot about it and he tells Peter
14 Mosca how to deal with Spiros, how to deal with this
15 situation.

16 I am going to play just a -- we don't need
17 transcripts. I am going to play a portion of the tape where
18 John Gotti basically directs a soldier in his family as to the
19 solution of this -- what this problem should be.

20 Do you have that, Agent Gabriel?

21 AGENT GABRIEL: Yes.

22 (Tape plays; tape stops.)

23 MR. GLEESON: That's the instruction. It happened.
24 It worked.

25 The next thing you know, January 24, six days later,
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Summation - Gleeson

1 the administration, Frank Locascio wasn't present for that
2 conversation. When the problem was addressed again, it was on
3 January 24, up in the apartment, where the administratioin
4 went to deal with the criminal business. We have up there
5 five times, a total of six hours, on one of those occasions
6 they discuss this Queens gambling business.

7 Gravano reported back to Gotti and Locascio, that Fat
8 Pete, who is the captain, the captain in the Lucchese Family
9 who controls Spiros Valentzas. That Fat Pete apologized. He
10 didn't know about the territory allocation that was done
11 earlier, five years earlier. Fat Pete said he wanted to go
12 formally to apologize to Ralphie Bones, Ralph Mosca, and
13 Pete. He needed a formal introduction, as a friend, because
14 there is all this protocol. You can't just go to another
15 criminal and say I'm sorry, I came in on your gambling
16 operation. You need to be formally introduced as a friend of
17 ours. Protocol is very important.

18 And they stopped the game.

19 The Ravenite tapes alone establishes the chemin de
20 fer game. It was operated by Ralph and Pete Mosca. When
21 there is a dispute you go to the administration. They solve
22 the dispute.

23 We had other evidence to show you more about the
24 game. Jack Zorba testified that he used to work for Spiros
25 Valentzas. The guy would encroach on the game, and that in

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Summation - Gleeson

1 1990, he went to this game, he went to Ralph and Peter Mosca's
2 game at the Cafe Sorento, in Queens. The Cafe Sorento --
3 there are photographs of it in evidence. Spiros' place, the
4 Grecian Gardens is a block and a half away.

5 The problem was, straight from barboot, from dice,
6 into cards and you can't do that there.

7 Zorba went into the game. He told you what happened
8 in the game. They -- the players bet against one another.
9 The house takes 5 percent of each hand, of each winning hand.

10 He identified for you, because, ladies and gentlemen,
11 we must prove five or more people involved in the operation or
12 ownership or management of this game.

13 Zorba went in. He identified a dealer. He
14 identified two doormen.

15 The night we raided the game, December 1, 1990, we
16 took photographs of those people, Zorba didn't know their
17 names. The dealer Pascuale Gagliano, Mark Roberts, the FBI
18 agent, who was there the night of the raid, told you this.

19 The doorman was Anthony Ingrassia. The other doorman
20 was his brother Angelo Ingrassia.

21 You were also told by Zorba about Ralph Mosca, going
22 in to see, I don't know if you remember any of this. It
23 happened right at the beginning of the trial. There is a guy
24 named Mickey Fats, a loanshark who hung out in Spiros' club,
25 the Lucchese club. Zorba told you that he was in Mickey Fats'

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Summation - Gleeson

1 club when Ralph Mosca, Ralphie Bones, came in, fuming, about
2 the fact that Spiros opened up this game.

3 The game was immediately closed down. Zorba's
4 testimony is corroborated precisely by the tapes. You know
5 this is what happened.

6 We raided the game with a search warrant in the early
7 morning hours of December 1. We seized the shoe, you saw the
8 shoe in evidence. We took photographs of the table. We
9 seized the blue notebook. The significance of which was made
10 apparent by the fact that even further evidence was brought to
11 your attention during the month preceding that raid. The raid
12 took place right before the arrests in this case. December 1,
13 1990.

14 In the month preceding that, the FBI working
15 together -- pardon me for one moment.

16 The FBI working together with the Organized Crime
17 Task Force had a wiretap on the phone of Peter Mosca. In that
18 wiretap, Angelo Ingrassia, the doorman identified by Zorba,
19 called every day to tell him what the cut was.

20 There was a chart in evidence. It is right here, of
21 the amounts received. These are not the amounts bet. This is
22 the cut. This is the house's cut from that chemin de fer game
23 in Queens over a period from November 5, 1990 until November
24 30, 1990, a total of \$31,150.

25 The significance of the book, of course, is you look
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1 at the last four days. The amounts brought in the last four
2 days, those are noted in the book.

3 This is the little accounting book for the
4 operation. Ingrassia ran it. He reported to Pete Mosca the
5 winnings every day. When there was a beef, Mosca went to see
6 the boss, and the problem got handled by the administration.

7 On December 1, this is interesting -- on December 1,
8 there is no way we could have picked this up from the proof as
9 it came in. Because you are hearing all this for the first
10 time out of order. On December 1, 1990, was the raid in the
11 early morning hours.

12 On December 4, on that day Mosca tells someone on the
13 phone, a Joseph Priola that they busted out the game the night
14 before. On December 4, they are talking about starting up the
15 game again and Peter Mosca says I didn't get to see that other
16 guy yesterday. I got to go down again tomorrow.

17 Well, he's the other guy. Yesterday was December 3.
18 Mark Roberts told you that on December 3, Peter Mosca was at
19 the Ravenite but John Gotti was not.

20 On December 5, the day he has to go down and see him,
21 they are both at the Ravenite.

22 You know from the hallway conversation when there is
23 a problem with that game, the administration comes into it.

24 There was a raid, an issue about whether to start it
25 again. The administration comes into it. That's the function

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1 of an administration of a Cosa Nostra.

2 All of that is without Gravano's testimony.

3 Gravano's testimony was very brief and he told you what you
4 already knew. Ralphie Bones and Pete Mosca had a game. They
5 complained about it. Gravano went to see Fat Pete, the
6 Lucchese captain, who controlled Spiros. Fat Pete immediately
7 backed off and apologized.

8 Gravano also told you one thing that the tapes didn't
9 tell you. He mentioned that back when John Gotti was in jail,
10 in '86 and '87, that you learned from Agent Schiliro, you
11 learned from John Gotti himself, that people turn in money.
12 That's the expression for paying the boss.

13 When John Gotti was in jail in '86 and '87, Mosca had
14 to turn in to somebody. He turned in to Gravano. Because
15 Gravano was basically running the family, at times with Joe
16 "Piney" and Angelo during that period of time.

17 Gravano testified that when Gotti was in jail,
18 Ralphie Bones turned in not a lot of money. \$5,000 a month.
19 A small amount of money by their standards.

20 MR. MITCHELL: I object.

21 THE COURT: Overruled.

22 MR. GLEESON: \$60,000 a year cash to the boss of the
23 Gambino Family from just one operation, from just one
24 captain.

25 It is just a small amount of money.

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1 The five or more people are amply established. The
2 Ingrassias, Pascuale, the dealer, the phone conversations
3 between Ingrassia and Peter Mosca, show that there is another
4 dealer who is afraid of being -- of losing his job.

5 Peter Mosca himself, Ralph Mosca, these defendants,
6 is obviously more than five or more.

7 There are basically, to the extent it can be
8 determined from the cross-examinations in this case, there
9 were basically two lines of defense. Mr. Cardinale got up in
10 the cross-examination of Lou Caprino, who was the expert about
11 these monies and the tapes, Mr. Cardinale got up and said,
12 well, you didn't check to see if the shoe was rigged, did
13 you. No, he didn't.

14 It doesn't make much sense. You don't need to rig a
15 shoe when you take five percent of every pot.

16 Mr. Krieger's treatment of this, his cross of
17 Gravano, was to say well, Spiros didn't get his head severed,
18 did he. Gravano told you why. He said he did what he was
19 supposed to do.

20 I submit to you, if he hadn't, his gambling operation
21 would not be here in green. It would be up here in red.

22 MR. MITCHELL: I object.

23 THE COURT: Overruled.

24 MR. GLEESON: Judge, can I suggest a short break? I
25 am moving into a different topic.

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1 THE COURT: All right. It is about time for a
2 mid-morning recess.

3 (The following occurred in the absence of the jury.)

4 THE COURT: All right.

5 (Recess taken.)

6 (The following occurred in the absence of the jury.)

7 THE COURT: Ready?

8 MR. GLEESON: Yes.

9 Judge, during this segment, I will for a very
10 brief --

11 THE COURT: May I have a little quiet back there,
12 please?

13 MR. GLEESON: I will for a very brief period have
14 blown up transcripts right here, just of the -- pieces of the
15 12, 12 tape that deal with the murders. They won't be up for
16 very long.

17 Then I will be -- by the time I am done with this
18 segment, which is DiBernardo, DiBono and Milito I will be done
19 with this easel.

20 The other one request we have and can't seem to agree
21 with counsel is jurors -- we have moved the charts away so we
22 are not blocking the table. We'd like to move it as close as
23 we can and still have it here because I see the jurors
24 straining.

25 THE COURT: All right.

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1 MR. MITCHELL: Your Honor, I object if it's going to
2 block off our view of the jurors.

3 THE COURT: Move around.

4 MR. MITCHELL: Your Honor, we would of course object
5 to the chart that Mr. Gleeson said a few minutes ago is going
6 to be up for fifteen minutes. It completely obliterates our
7 view of the juror.

8 MR. KRIEGER: Why can't that chart be put over here
9 in the corner, if the Court please, the charts that
10 Mr. Gleeson will be using during this segment?

11 THE COURT: May I ask this? May I ask this?

12 I notice that you had some Xeroxed copies of those
13 charts. Do you?

14 MR. GLEESON: Of the charts, I do.

15 All the charts will go there and they are going to be
16 out of people's way.

17 THE COURT: Can the jury use the Xeroxed copies of
18 those charts?

19 MR. GLEESON: No.

20 THE COURT: As you are explaining?

21 MR. GLEESON: No. The Xerox copies I have
22 corrections on them.

23 Judge, the charts over there are pretty much out of
24 everyone's way.

25 THE COURT: All right.

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1 MR. KRIEGER: That one is not the problem. It is
2 the --

3 THE COURT: I will deal with that problem when we get
4 to that one.

5 MR. KRIEGER: Yes, sir.

6 THE COURT: Okay. Let's go.

7 (Jury present.)

8 MR. GLEESON: Judge, we will put all the charts over
9 there, even the big one. We will have somebody hold them.

10 (Jury present.)

11 THE COURT: All right. Thank you very much.

12 All right, Mr. Gleeson.

13 MR. GLEESON: Thank you, Your Honor.

14 Welcome back. It is getting a little cooler in
15 here. Hopefully it will stay that way.

16 Let's talk about murders. There are several on the
17 chart. Right now I'd like to direct your attention and walk
18 through the proof with respect to the murder of Robert
19 DiBernardo, the murder of Louie Milito and the murder of Louie
20 DiBono, all of which are the subject of, among other things,
21 book 3 of the tapes.

22 Again, just a few overall points before we get into
23 them.

24 I submit to you, ladies and gentlemen, there can be
25 no reasonable dispute, based upon this evidence, that this

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1 organization, which is referred to by us as the Gambino Crime
2 Family, by the defendants as a supposed group, so-called
3 organization, that this organization is into murdering people
4 in a major way.

5 MR. MITCHELL: Objection.

6 THE COURT: Overruled.

7 MR. GLEESON: Let me just digress for a minute to
8 make a point.

9 We will get later this afternoon into the conspiracy
10 to murder Corky Vastola. We will not do that this morning.
11 But you may recall that there was questioning with respect to
12 that murder of Salvatore Gravano, that murder conspiracy, and
13 in particular, Mr. Cardinale questioned Gravano about the
14 meeting they had with Mr. D'Amato, John D'Amato, the underboss
15 of the Calvacante Family.

16 Gravano testified and the tapes show that D'Amato
17 came up for for natural permission to get help to get Corky
18 Vastola murdered, and you may remember Mr. Cardinale
19 questioning Gravano along the lines of, isn't it a fact that
20 John Gotti didn't want to whack him and he was just speaking
21 to D'Amato out of respect for him.

22 Well, that's wrong. We will get to that this
23 afternoon.

24 But for the moment, just for now, let's accept it.
25 Think about what that means. What that means is if you want

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1 to kill somebody, and you occupy a position maybe like a
2 underboss of a family, out of respect for you, assuming the
3 facts as Mr. Cardinale posited them, out of respect for you,
4 John Gotti will entertain you about killing somebody.

5 That's what we are dealing with, even as the defense
6 presents it to you.

7 It is an astonishing proposition.

8 Before we get to these charged murders, let's look,
9 and I am going to read to you and all of these statements are
10 in these books, let's look at some of the statements of John
11 Gotti and Frank Locascio from their conversations about what
12 an integral role murder plays in this supposed organization.

13 Regarding who should get made in the Gambino Family
14 from January 4, 1990.

15 Gotti: I want guys that done more than killing.

16 Referring to Tony, who is with Danny Marino, one of
17 the guys who they are talking about making but didn't make,
18 who later participated in the murder of Louie DiBono but on
19 January 4, 1990, Gotti, he's got to do something. We were
20 going to use him, we never did use him.

21 Again, regarding what it takes to be a friend of
22 ours, using their term of art, this isn't going to be a bunch
23 of your friends, John Gotti speaking to Locascio and Gravano.
24 Ain't going to be your friends. Ain't going to be a bunch of
25 my friends. Going to be friends of ours. It's going to be

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1 the way I say it's going to be and a Cosa Nostra. A Cosa
2 Nostra. You might, because a guy is nice to you, makes him a
3 good guy. It makes him a motherfucker to me.

4 I'm he -- I cleaned up this act during our
5 presentation, but we are going to read the quotes today as
6 they are, because as Mr. Krieger said in his opening, this is
7 the real world. Welcome to the real world. It is not all
8 frills and cake and candy and ice cream. They talk in very
9 rough terms about murder. They are not on trial for talking
10 in rough terms. They are on trial for being murderers.

11 It makes him a good guy when he's one of us and he
12 proves he's right for us.

13 And you know from these conversations how you prove
14 that you're right for them. You do a piece of work.

15 Gene Gotti, back in 1982, regarding Pete Tambone, my
16 brother with his mouth. I would have said nothing. He wasn't
17 pressed to say anything now. That we got to nail him. That
18 we decided to kill him. There's a guy around John Gotti and
19 Angelo Ruggiero. They would never do this in their life. The
20 best guys in the world and they'll remember this here. They
21 killed a dear friend of theirs.

22 Regarding the enforcement of this -- this charade of
23 a drug prohibition, regarding the enforcement of it, John
24 Gotti, November 30 apartment, Neil would have told him,
25 referring to Castellano, just like this. What are we cops

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1 here. Let's kill all the -- he goes on, in the whole family.
2 Every fucking Gambino, every fucking Castellano.

3 On what happens when you challenge the boss?
4 December 12, 1989. Who's going to challenge me? Who is going
5 to defy me? What are we going to do? Take a shot. Excuse
6 me. What are you going to do? Take a shot? Then there is an
7 inaudible. Sleeping. Like I did to the other guy. That's
8 one of the inaudibles that the defendants didn't clear up for
9 you.

10 Frank, I welcome that. I welcome that.

11 MR. MITCHELL: I object.

12 MR. GLEESON: I killed their mothers, their
13 fathers.

14 You heard this morning, how you negotiate with Spiros
15 Valentzas. You tell this punk, I, me, John Gotti, will sever
16 your mother fucking head off. Tell him listen, you know
17 better. He'll sever your mother fucking head off.

18 On what to do with respect to a lawyer, Jimmy
19 LaRossa, if the lawyer has the audacity to refuse to represent
20 him in an upcoming case. Jimmy La Rossa, I am going to send
21 him a feeler ahead of time and I ask him, if he says no I'll
22 kill him.

23 On the liaison guy, you may remember this
24 conversation. You heard it twice.

25 Johnny Gambino is a drug dealer. This captain, John
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1 Gambino. There were people giving him up in his trial,
2 rather, as they put it, from the other side. And there was a
3 discussion that included these two people and Salvatore
4 Gravano about the consequences of somebody being made on the
5 other side where they don't have the charade of a drug
6 prohibition. We deal drugs. Made there and made in Johnny
7 Gambino's crew.

8 On what to do about that guy. If it's true, this is
9 January 24, apartment. If it's true, if it's him, the liaison
10 guy's getting whacked. That's not -- that don't belong to
11 us. That's their fucking crew. And he's got to get whacked.
12 For the same reason Jelly-Belly, DiBono, is getting it. You
13 want to challenge the administration. You're going, you
14 motherfucker.

15 This is who we are talking about. This is who in the
16 context of -- this is the context in which these charges
17 arise.

18 On the usefulness of Salvatore Gravano, January 4
19 when he offers him position to be next to him as official
20 underboss. Gotti, just the fact you're out there, that you
21 could sneak out in the middle of the night and hit a guy in
22 the fucking head with a hatchet, the same conversation, and
23 they know how I feel. The captains know how he feels. And
24 they know, any serious thing that, that I need done, that I
25 can't do, you'll do it. They not -- I'm not talking about

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1 just this. Murder. I'm talking about meeting with people.

2 On allowing Gravano to kill, subject of allowing
3 Gravano to kill, every time we got a partner that don't agree
4 with us we kill him. You go to the boss and your boss kills
5 him. He kills him. He okays it. We are going to hear that
6 in a minute.

7 I am not allowing -- the subject of killing comes up
8 all the time. It is a little window, opened for six hours,
9 and they -- seems like all they talk about is killing people,
10 people they did kill, people they are going to kill, people
11 they should have killed.

12 Referring to someone that Gravano was not allowed to
13 kill, he tells me, this is from December 12, book 3, page 48,
14 he tells me this kid's a little cocksucker. He is referring
15 to Frankie Pape. Another person in the Gambino Family, a
16 Teamster foreman. I am going to split his head. I wish he
17 would let me split his head. This was over three and a half
18 years ago, four years ago, it says.

19 On the subject of Paul Castellano, not allowing
20 Gravano to kill Louie DiBono. You know, we hate, he wanted
21 permission to shoot Louie DiBono. Louie DiBono wanted
22 permission to get him shot.

23 With respect to a murder he himself committed, for
24 Carlo Gambino, November 30, apartment, they sent me to do a
25 piece of work one time. You may remember that. He was told

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1 he wasn't allowed to tell Jimmy Brown about it.

2 On the subject -- this is interesting. This is the
3 protocol subject. These pieces came up in the context of the
4 Vastola conversation. On the subject of using a Gambino
5 Family member to murder someone in another family, very sticky
6 point of protocol for gangsters. Imagine -- this is John
7 Gotti. Imagine if a guy told us you want to use one of our
8 guys without telling us. They can't do that. That's in the
9 manual, apparently.

10 On the subject of using another family's member to
11 murder for the Gambinos. The same conversation. If I was
12 some, inaudible, or I had an ego problem and I'm -- you got
13 two guys got to do a piece of work, nobody goes to jail, my
14 ego gets the best of me, I send two of our own. They go to
15 jail. Hey, what a bum I am.

16 Rules, rules, rules. You got to be careful when you
17 use somebody else to kill someone in your family. You got to
18 be just as careful when you let them use someone in your
19 family to kill someone else.

20 That's who we are dealing with. That's who these
21 people are.

22 MR. MITCHELL: Objection.

23 THE COURT: Overruled.

24 MR. GLEESON: The issue here is whether John Gotti
25 conspired to murder and in fact aided and abetted the murder

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1 of Robert DiBernardo, whether John Gotti did the same with
2 respect to Louie Milito and whether both of these defendants
3 did the same with respect to Louie DiBono.

4 The defense approach to these murders is very
5 revealing. Mr. Krieger said to you in his opening statement
6 as follows, after talking about the Castellano murder.

7 Mr. Krieger said to you, the indictment contains some
8 other charges. Well, the other homicides, they are
9 Mr. Gravano's. Show you that Mr. Gravano was an individual,
10 an individual who was cunning, conniving, grasping, selfish,
11 was able in certain ways to portray himself to be different
12 from that which he really is.

13 Mr. Gravano went into various business enterprises.
14 He made a fortune, a fortune of money. And he took care of
15 his internal business problems, apparently, by killing his
16 partners, those are the other homicides.

17 That's all he said about them. Very little was said
18 about these murders during the Court -- not DiBono. The
19 DiBono went under microsurgery and we will get to that too.

20 DiBernardo and Milito were virtually untouched. He
21 overlooked these murders in his opening. They want you to
22 overlook these murders, and the reason for that is there is
23 not very much else to do with the proof in this case from a
24 defense perspective, except to hope that you overlook it.

25 When he opened the window, when we opened the -- into
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1 that apartment, into Mrs. Cireli's apartment, two floors above
2 the Ravenite Social Club for six hours, in one of those
3 conversations John Gotti discussed that he killed DiBernardo
4 and why, that he killed Louie Milito and why, and that they
5 were going to kill Louie DiBono and why.

6 In a minute we are going to put up some blowups of
7 the relevant portions of the December 12 conversation. I urge
8 you to listen to that conversation in its entirety. It's a
9 diatribe about Gravano's construction activities.

10 The people around Sammy Gravano were getting
11 contracts that people around other people in the family should
12 have been getting.

13 There was a contract for concrete that John Gotti
14 thought that Bosco's company, marine, the Westies, should have
15 gotten.

16 There was a contract to lay carpet. Excuse me. The
17 concrete contract went to Marathon. Went to Sammy instead of
18 going to Bosco.

19 The carpet contract went to Johnny G, who is with
20 Sammy. In Sammy's part of the family, as opposed to Joe
21 Crotty, who is also with Bosco, one of the Westies.

22 A garbage contract, a garbage job that John Gotti was
23 going to get a hundred thousand dollars from was being done by
24 Joe Fappiano, who was in Gravano's old crew, under Big Lou
25 Vallario. Rather than going to Jimmy Brown, Failla, the

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1 captain who controls garbage hauling for the Gambinos.

2 The conversation on December 12 is about
3 embarrassment. It is not about Gambino Family business
4 interests not being taken by the Gambino Family. All of these
5 people are with the Gambino Family.

6 Johnny G. is a made guy. Sammy Gravano was the
7 underboss.

8 The other people who John Gotti wanted to get the
9 contracts were with the Irish gang but they're with the
10 Gambinos.

11 John Gotti was embarrassed. He went and met with a
12 builder. The builder told him that the job went to Marathon.
13 John Gotti wanted it to go to Marine.

14 This conversation is about the fact that John Gotti
15 helped Gravano get control of construction by letting him kill
16 people. Gravano came to the boss, the boss killed people.

17 Gravano got, as I mentioned to you, it is one of the
18 ways you get control, Gravano got control of construction. He
19 exercised the control of the construction in a way that didn't
20 meet with his boss' favor. That's why John Gotti's angry.

21 To the extent this was addressed at all during this
22 case, there was a suggestion that John Gotti didn't know about
23 the murders of Robert DiBernardo and Louie Milito but in fact
24 he tells you that he authorized them and why he authorized
25 them. There is additional proof that we will get to.

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1 The December 12 conversation. This glimpse you got
2 through the window Mr. Krieger mentioned is absolutely
3 extraordinary. They commit their crimes by talking. They are
4 very secretive about where they talk. We caught them.

5 We caught them and in one conversation a mob boss and
6 his acting underbosses talk about two people they killed, two
7 people he killed. Locascio wasn't part of the administration
8 back then.

9 Two people John Gotti killed with Salvatore Gravano,
10 and we will get to later, a third that he was going to kill.

11 It doesn't get any better than this.

12 With the Court's permission, I'd like to play just a
13 segment of the December 12 apartment. These -- these
14 transcripts are big. We will put them up over there, Your
15 Honor, with the assistance of Mr. Cotter and Ms. Ward.

16 It is a giant. It beats passing out the books. We
17 will listen to these.

18 Again, I urge you, ladies and gentlemen, listen to
19 this conversation in its entirety.

20 That's okay. Thank you.

21 Will it stand by itself?

22 MR. COTTER: No.

23 MS. WARD: No.

24 THE COURT: I want to remind you again that it is the
25 cassette which is in evidence and if there is any discrepancy

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1 that you discern between what you hear and what you read, it
2 is what you hear that will be controlling.

3 (Tape plays; tape stops.)

4 MR. GLEESON: This is very simple stuff. He whacked
5 "Di B". He did it while he was in jail. You know that's
6 true. From May 19, 1986 until March 13, 1987, John Gotti was
7 in jail. "Di B" was murdered about three weeks after he went
8 in on June 5.

9 The complaint, he tells Locascio that he whacks
10 "Di B". The complaint is not about the fact that "Di B" got
11 whacked. That's part of the business. The complaint is that
12 his company, Marine, hasn't gotten the job. He doesn't like
13 the way Salvatore Gravano has exercised his control of
14 construction.

15 Marine, that's with Bosco and he owes Bosco big
16 time. We will get to that later.

17 Marine is with him, which is the Gambino Family.
18 It's in the concrete business. It didn't get a job. It
19 hasn't gotten a job according to John Gotti in a year. That's
20 why he's upset.

21 Explicit, unequivocal, unchallenged, none of this
22 transcript has been challenged.

23 MR. MITCHELL: Objection.

24 THE COURT: Overruled.

25 MR. CARDINALE: Yet.

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1 THE COURT: Mr. Cardinale, if you have an objection,
2 make it appropriately.

3 MR. CARDINALE: Yes, Your Honor.

4 MR. GLEESON: During the course of this case,
5 transcripts were challenged. Inaudibles were filled in in
6 some respects. Things that aren't on the tape have been
7 claimed by the defense to be on the tape.

8 These words have not been challenged. These words,
9 you can run from this proof but you can't hide from it.

10 MR. CARDINALE: Objection, Your Honor.

11 MR. GLEESON: John Gotti stated that he killed
12 Robert DiBernardo.

13 THE COURT: Overruled.

14 MR. GLEESON: The next segment -- that's from page 2
15 and 3.

16 The next segment is page 4.

17 Agent Gabriel, if you would?

18 (Tape plays; tape stops.)

19 MR. GLEESON: Again, this is shortly after that
20 first segment. Again, in the context of complaining about
21 construction contracts.

22 Every time we got a partner that don't agree with us,
23 we kill him. You go to the boss. Your boss kills him. He
24 kills him. He okays it.

25 He's referring there, as we will know from a
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1 conversation we are about to get to, not just to "Di B" who he
2 says he killed, but to Milito. This is the admission of
3 murders, right here, by him. This is the complaint. The
4 complaint is not about the murders. The complaint is that now
5 that he's let Gravano consolidate his power, other people
6 within the family are complaining.

7 Would you like a glass of water?

8 A JUROR: May I go out?

9 THE COURT: Okay. Yes.

10 Let's recess for a few minutes.

11 (The following occurred in the absence of the jury.)

12 THE COURT: All right.

13 (Recess taken.)

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1 (In open court; jury not present.)

2 THE COURT: Okay.

3 Ready?

4 MR. GLEESON: Yes, your Honor.

5 THE COURT: Mr. Mitchell?

6 MR. MITCHELL: Yes, your Honor.

7 THE COURT: Mr. Krieger?

8 Yes, your Honor.

9 THE COURT: Mr. Cardinale?

10 MR. CARDINALE: Yes, your Honor.

11 (Jury present.)

12 THE COURT: Okay. You can proceed, Mr. Gleeson.

13 MR. GLEESON: Thank you, your Honor.

14 The business partners in this context that he's
15 referring to when he says every time we got a partner that
16 don't agree with us, we kill him -- we go to the boss and the
17 boss kills him -- the ones he's referring to are Robert
18 DiBernardo and Louie Milito.

19 If you would be so kind, Agent Gabriel, to play the
20 next segment, which is pages 6 and 7.

21 (Tape played.)

22 (Tape stops.)

23 MR. GLEESON: I submit to you you got the benefit of
24 Gravano's testimony, and the fact that they referred to
25 Castellano as "Nasabeak," I submit to you you probably could

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1 have inferred that from this conversation and the rest of the
2 proof in this case in any event. When Castellano died you
3 were nothing. Louie had Gem Steel. You know who that is not
4 just because of Gravano's testimony or the S and G documents,
5 because Gravano took over Gem Steel exclusively.

6 You know it because -- and you may not remember
7 this -- one of the conversations at the back of book 3 is a
8 conversation where John Gotti, who is the brand new boss back
9 in early 1986, a March 8 conversation where Frankie DiCicco,
10 brand new underboss, still alive at that point, they are
11 apprising John Gotti of what the Gambino family holdings are.

12 There's a discussion that Louie Milito, who at that
13 time was in jail, had Gem Steel and was taking a third of the
14 money that was coming out of Gem Steel. You know who Louie
15 Milito is. You know it because of the Gem Steel reference.
16 You know it because of the other testimony. His daughter
17 testified that he was part of Gem Steel.

18 John Gotti says: You -- he's referring to Gravano,
19 there's no dispute about that, and there's no dispute about
20 these words -- you told me that the guy talked behind my back,
21 that he was being disloyal, subversive. Now you got Gem Steel
22 because we ordered him dead.

23 The same thing with respect to DiBernardo. You find
24 out where Milito and DiBernardo were killed from this
25 conversation. John Gotti was told that they were talking

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1 behind his back. The other thing you told me "DiB" cried
2 behind my back.

3 Now you got all that. You got Bobby Sasso. "DiB"
4 controlled Bobby Sasso, the president of Local 282. You know
5 that from all of the conversations in this case. The 1989 and
6 '90 conversation specifically refer to Sasso, to their
7 control of Sasso.

8 The January and February conversations from '86 that
9 are at the back of book 3, you may remember some of these,
10 Angelo Ruggiero telling John Gotti's son, "DiB" is going to
11 get a job in the union. He's going to get you work. There
12 was a problem right after Paul Castellano was murdered about
13 concrete companies. We'll get to that in a minute.

14 Who was in the middle of it?

15 A Jersey family wanted to own a concrete company in
16 Brooklyn.

17 Who is in the middle of it?

18 "DiB", because he controlled the union. John Gotti
19 was told that "DiB" was crying behind his back. He let Sammy
20 Gravano kill him. That's what John Gotti says. He gives you
21 the reason, I don't.

22 Play the next segment, please, Agent Gabriel.

23 (Tape played.)

24 (Tape stops.)

25 MR. GLEESON: Little glimpse of the window being
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1 opened. John Gotti talks about two people he killed and one
2 he's going to kill. "DiB", did he ever talk subversive to
3 you, speaking to Locascio. Never. Never talked to Angelo.
4 Never talked it to Joe "Piney". I took Sammy's word that he
5 talked about me behind my back.

6 Use your common sense, ladies and gentlemen. He took
7 his word for it and let him kill him.

8 Louie, did he ever talk to any of you guys?

9 No. I took Sammy's word and let him kill him.

10 You know that these references are to Robert
11 DiBernardo because that's who "DiB" was. You know that the
12 Louie here is Louie Milito.

13 Why?

14 Again, use your common sense. He's talking about two
15 people, and he was told that they were talking subversive to
16 him, "DiB" and Louie.

17 You know from a previous portion of the conversation
18 that the Louie from Gem Steel and "DiB" cried behind his
19 back. Those are the two people that were already dead. Those
20 are the reasons, that's the reason they were killed.

21 He goes into Louie DiBono then. We'll get to Louie
22 DiBono in a minute. "DiB" and Milito were killed because John
23 Gotti felt that they were subversive to him. The defendants
24 have not dealt with these statements in this case.

25 It's a statement by a mob boss of two people that he
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1 ordered killed.

2 MR. MITCHELL: Objection.

3 MR. GLEESON: I submit to you you can and you should
4 convict John Gotti on these statements alone.

5 There's also more on each murder.

6 First, we'll address the murder with respect to
7 DiBernardo. You have additional proof about Robert
8 DiBernardo. Even before Gravano took the stand you had plenty
9 of additional proof about DiBernardo. This is going to be
10 especially tough for the people to read on the end. I'll help
11 you with it. I'll read it for you.

12 This is a little chronology. I'll help you with it
13 on the end. I promise. It's about the murder of DiBernardo.

14 Let's put it in perspective and let's use the proof
15 at the end. You see of the statements that are made in 1989
16 about why he was killed.

17 Let's put the rest of the proof in perspective. On
18 December 16, 1985 John Gotti and a bunch of other people
19 killed Paul Castellano.

20 John Gotti became boss of the Gambino family
21 probably, probably on January 15, 1986. He definitely became
22 boss. He probably became boss on that day.

23 How do you know that?

24 Well, if you look at pages 110 and 120 of book 3, and
25 I submit you want to listen to book 3 again. Those are some

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1 of the conversations that occurred in the Bergen Hunt and Fish
2 Club back in 1986. On January 16, 1986 people are
3 congratulating John Gotti on being the new boss. You see him
4 introduced in the Bergen as the new boss.

5 Frank DiCicco is with him. He's being introduced as
6 the new underboss.

7 Also, two days later -- and that's the conversation
8 at page 120 --- on January 18, John Gotti says about Angelo
9 Ruggiero, you were a soldier three days ago. You're a captain
10 now.

11 Angelo Ruggiero was made captain. He took over John
12 Gotti's crew after they murdered Paul and John became boss.

13 Use your common sense. Put the two of them
14 together. On January 16 he's being congratulated about being
15 the new boss and DiCicco is being congratulated.

16 Two days later he says Angelo became a captain three
17 days earlier. I submit to you on January 15 at the most,
18 within a day or two, is when John Gotti became boss.

19 You also know, by the way, from Gravano's testimony
20 that in the weeks ensuing Castellano's murder there were
21 meetings about how to get a new boss, and Gravano tells you
22 that there came a meeting, there was an election. Gotti was
23 boss. DiCicco was underboss. Joe Gallo remained as
24 consigliere, and at that meeting Angelo Ruggiero was elevated
25 to Gotti's crew. Georgie DiCicco was elevated to take over

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1 Frankie DiCicco's crew.

2 That's when he became boss.

3 But to back up a little bit, John Gotti tells you in
4 1989 Robert DiBernardo was killed because John Gotti thought
5 he was disloyal. Three days after he becomes boss by murder,
6 the final overthrow of this organization, he's questioning
7 "DiB's" loyalty.

8 John Gotti states -- this is on January 18, 1986: A
9 guy like Frankie Lo and Tommy, inaudible, you know, guys like
10 this, Frankie DiCicco will always be loyal. Guys like this,
11 forget these fucking assholes like "DiB". They'll run with
12 the boss.

13 If there were ink on the paper that made you boss, if
14 there were such a paper, it wouldn't be dried and John Gotti's
15 already is questioning "DiB's" loyalty. Again, put it in
16 perspective.

17 "DiB" was with Paul Castellano. He was part of the
18 conspiracy to murder him, but he had been with Paul. He was
19 not with the Dellacroce family. "DiB" was used as a
20 go-between by Paul Castellano between Castellano and among
21 other unions, 282.

22 First, the corrupt president who was convicted,
23 Cody. Second, the corrupt president Bobby Sasso.

24 "DiB" was Paul's construction guy. John Gotti at
25 this point in time is awaiting trial that began later in

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1 1986. He's just taken over the Gambino family by violence.
2 Loyalty is very important to him. He thinks he might go to
3 jail.

4 He's immediately questioning "DiB's" loyalty and
5 about a month later, February 22, 1982, not only Gotti but his
6 sidekick, his closest lieutenant over the years, Angelo
7 Ruggiero, they are together questioning "DiB's" loyalty.

8 February 22, 1986, Angelo Ruggiero to John Gotti:
9 The good captains. I got to sit them down. Maybe John is
10 going away in a year or two. He wants people on the street
11 that are loyal to him.

12 "Piney", 1,000 percent, right?

13 Who else?

14 Frankie Lo?

15 It seems that way. I don't know.

16 The kid Sammy?

17 This is pretty impressive stuff.

18 The kid Sammy?

19 I think so. I really think so.

20 Finally. "DiB". It's just an ego. He's looking for
21 a piece.

22 When they are discussing who is loyal and who is not,
23 when John Gotti discusses who is loyal and who is not, the
24 people, the person he distinguishes from the people who later
25 became part of his administration is, what do you know, Robert

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1 DiBernardo.

2 On April 13 Frank DiCicco was murdered. The position
3 of underboss became open. On May 19, 1986 a judge in this
4 courthouse revokes John Gotti's bail and he went to jail.

5 Approximately three weeks later -- we'll come back to
6 June 4 in a minute -- approximately three weeks later
7 DiBernardo was murdered, and when we open the window into the
8 Ravenite apartment John Gotti told you why. He was murdered
9 because John Gotti felt he was disloyal, and he didn't just
10 feel he was disloyal based on the conversation from 1989. You
11 know from the conversations at the time he questioned his
12 loyalty.

13 A couple of things ought to be clear. On May 19,
14 1986 John Gotti went to jail. His bail was revoked. It ought
15 to be clear it had absolutely nothing to do with Frank
16 DiCicco's murder or Paul Castellano's murder. Right in here.
17 In February of 1986 John Gotti was on trial in state court in
18 Queens.

19 You heard testimony it was about a particular event
20 that occurred back in '84. It was what the trial was about.
21 The trial occurred in February 1986. There was no verdict.
22 There was no acquittal. There was a dismissal.

23 On May 19, 1986 John Gotti went to jail not because
24 of these murders but because he had intimidated the witness
25 against him in that trial, and there was a finding that he

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1 might intimidate witnesses against him in the upcoming trial.
2 That's why he went to jail.

3 Salvatore Gravano's testimony on this murder is not
4 necessary to you, I submit. It is compelling. It is
5 sufficient unto itself, but it's not necessary. You have
6 extraordinary proof without Gravano. You have an admission by
7 John Gotti as to why Robert DiBernardo was killed and that he
8 killed him.

9 Gravano's testimony is as follows: After John Gotti
10 went to jail there was a committee of people who were running
11 the family. Angelo Ruggiero, Salvatore Gravano and Joe
12 "Piney" Armone, three captains who were tending to the street
13 activities of the Gambino family while the boss was in.

14 After DiCicco got murdered and the position of
15 underboss was open, Angelo Ruggiero wanted to be underboss.
16 Robert DiBernardo expressed an opinion that Salvatore Gravano
17 ought to be underboss. Robert DiBernardo the proofs shows
18 overwhelmingly was not exactly a tough guy. He didn't have a
19 crew. He was a soldier of, and answered directly to Paul
20 Castellano, handled construction.

21 Although he ran messages back and forth about the
22 murder conspiracy, he's not part of it. He had a view. He
23 had a view -- when we talk about the Ruggiero case later this
24 afternoon you'll see DiBernardo talked about who should occupy
25 these positions. It was not just at this point in time. He

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1 had a view that Gravano ought to be underboss.

2 Gravano testified -- by the way, he was not going
3 back and forth to jail to see John Gotti. Gravano was not.
4 The messages were going back and forth through other people,
5 including Gotti's codefendants in the case who he was on
6 trial. Gravano testified there was a conversation he had with
7 "Piney" and Angelo Ruggiero. They met all the time because
8 they were running the affairs of the family.

9 During that conversation Ruggiero had Gravano confirm
10 to "Piney" that, in fact, "DiB" was talking about who should
11 be underboss. Didn't mean much to Gravano at the time. Later
12 on it assumed obviously extraordinary significance.

13 What happens is three weeks after Gotti goes in
14 Ruggiero comes to Gravano and says: John wants "DiB" dead.

15 Gravano was a friend of "DiB's". Gravano is not
16 running from this murder. He committed it.

17 Gravano's reaction was "DiB" is not a problem. He's
18 not a tough guy. It can wait until John comes out of jail.
19 Angelo Ruggiero says he's hot about it. He wants it done now.

20 There was a plan to do the murder at Tony Lee's
21 mother's house. There was a plan that didn't work. Ruggiero
22 came to Gravano and said don't do it. Gravano didn't want to
23 do it. He was told it had to get done. He was a good loyal
24 soldier. John Gotti barked and he bit.

25 He agreed to kill Robert DiBernardo. Ruggiero wanted
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1 him dead. Gotti wanted him dead. What happens was on June 5,
2 1986 "DiB", who saw Gravano on a regular basis because they
3 were business partners, John Gotti told you, every time he has
4 a business partner he don't like he comes to the boss, the
5 boss kills him.

6 They were business partners. DiBernardo came to 1809
7 Stillwell Avenue. Gravano told him to come back later in the
8 day. He sent his secretary home early. DiBernardo came into
9 1809 Stillwell Avenue. One of the people in Gravano's crew
10 was upstairs. Downstairs was the old man Paruta, Eddie
11 Garafola, Gravano's brother-in-law, and Gravano. Angelo
12 Ruggiero was waiting in a nearby Burger King.

13 When "DiB" came downstairs Gravano said to old man
14 Paruta go get some coffee. Instead of going to get coffee
15 they did what these people do. He got a gun and put two
16 bullets in Robert DiBernardo's head.

17 MR. CARDINALE: Objection, your Honor.

18 THE COURT: Overruled.

19 MR. GLEESON: Gravano went to meet Angelo Ruggiero.
20 He told him it had been done. Angelo Ruggiero made
21 arrangements to dump the body. A bunch of people came over to
22 help dump the body, including Frank Locascio.

23 MR. MITCHELL: Objection.

24 THE COURT: Overruled.

25 MR. GLEESON: Frank Locascio is not charged with
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1 this murder. The charges in this case are sustained -- are
2 proved by the tapes. They are also proved by Gravano.
3 There's nothing in this case that was not there before Gravano
4 became a witness but Frank Locascio dumped Robert DiBernardo's
5 body.

6 MR. MITCHELL: Objection.

7 MR. GLEESON: By the way, just an overall point
8 about murders, the significance of people who will come in.

9 Robert DiBernardo's body and Louie Milito's body were
10 never found. Those were people who had a very close
11 relationship, who didn't know they were going to get killed,
12 didn't know they were in trouble. Those are the people who
13 can get lured into Stillwell Avenue, get lured into Big Lou's
14 club. And they can be killed and people like Frank Locascio
15 can dump their bodies and we'll never find them.

16 MR. MITCHELL: Objection.

17 THE COURT: Overruled.

18 MR. GLEESON: It's an entirely different proposition
19 when people know they are in trouble, because you can't lure
20 them into a place like that. You have to go out -- it's messy
21 business. It's not like a game of tag where you go out and
22 touch them. We're shooting people in the face.

23 Paul Castellano and Thomas Bilotti you found on the
24 street. They are not going to meet with these guys. Louie
25 DiBono was found in the parking lot of the World Trade

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1 Center. There's a difference between people who will come in
2 to get killed and people who won't.

3 They got arrested on this case in December 1990.
4 They went to jail. Gravano was remanded. You heard the tape
5 about how John Gotti took Gravano's word for it that "DiB"
6 talked behind his back. At the time he was killed, John Gotti
7 was in jail. Gravano said to him, I never said it. Gotti
8 said to him, Angelo and "Piney" told me that you had.

9 Ruggiero has Gravano confirm in front of Ruggiero and
10 Joe "Piney" that Robert DiBernardo was talking about who
11 should be underboss, and God forbid you have that kind of talk
12 around these people. They kill you. That's what happened.

13 The night before Gravano didn't need Ruggiero's
14 help. Ruggiero wanted "DiB" dead. What do you know, the
15 night before -- this doesn't come from Gravano, it doesn't
16 come from the tapes, there's a stipulation in evidence from
17 DiBernardo's girlfriend, Nancy Drake, who was living with
18 Mr. Robert DiBernardo at the time.

19 And the night before he was murdered, "DiB", June 4,
20 1986, Angelo Ruggiero calls Nancy Drake, the girlfriend and
21 says it's very important that "DiB" meet with Sammy the next
22 day. It was very important. He had to get murdered. And
23 that's what happened.

24 Punch line to this predicate act, this racketeering
25 act: The moment John Gotti became boss he questioned "DiB's"

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1 loyalty. He questioned "DiB's" loyalty. He gets told "DiB's"
2 talking behind his back and it's good stuff for him. He has
3 him killed. And it's the type of organization -- it's the
4 type of organization where a friend, Salvatore Gravano, a
5 friend will take an order from his boss and kill his friend.
6 That's the type of organization we're dealing with.

7 "DiB" was killed in June of 1986. John Gotti was in
8 jail, as I've mentioned. He went to trial in this
9 courthouse. He went to trial in this courthouse. It lasted
10 seven months. During that trial Bosco, the then boss of the
11 Westies -- this is an uncharged crime, jury tampering, U.S. v.
12 Gotti. It's not charged in this case. You can consider the
13 evidence with respect to this in your deliberations with
14 respect to charged crimes and in particular with the charges
15 of obstruction of justice.

16 MR. MITCHELL: Objection.

17 THE COURT: Overruled.

18 MR. GLEESON: The boss of the Westies with whom John
19 Gotti had a criminal association. They had Marine Concrete
20 Company. He came to Salvatore Gravano and he said, I have a
21 juror. You saw Bosco on the videotapes that were made in 1988
22 and 1989. There's a reference to him and Jimmy Coonan in one
23 of the OCTF tapes that occurs back during the period of time
24 when John Gotti became boss, the Bergen Hunt and Fish Club
25 tapes.

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1 MR. MITCHELL: Continuing objection.

2 THE COURT: You have one all long.

3 MR. MITCHELL: May I consider I have an objection
4 throughout?

5 THE COURT: Yes.

6 MR. MITCHELL: Then I won't interfere.

7 MR. GLEESON: Bosco came to Sammy and said I have a
8 juror. Gravano went to Gene Gotti, got approval to pay off
9 the juror.

10 By the way, just a couple of little things, when you
11 look at testimony, Gravano went to Gene Gotti, and Gravano's
12 testimony is he met Gene Gotti in a lawyer's office because
13 Gene Gotti had restrictions. Test your testimony against the
14 other proof in the case.

15 You know from the proof relating to, the evidence,
16 the stipulation relating to the revocation of John Gotti's
17 bail that Gene Gotti was one of the codefendants. He was not
18 remanded. His bail wasn't revoked, but restrictions were
19 placed on him. You look at testimony. You look at the other
20 proof and see how it fits.

21 He also said he couldn't see Angelo because Angelo
22 was in jail. You know from the other proof in the case that
23 in June of 1986 Angelo Ruggiero went to jail for two years.
24 Little things in the testimony matter. Little things matter
25 because you can tell from the other proof that it's correct.

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1 Gene Gotti gave the go-ahead that he got from his
2 brother John to Sam Gravano. We will not litigate here -- we
3 have not -- the jury deliberations with respect to the last
4 case against John Gotti.

5 You do have before you in evidence the fact that Sam
6 Gravano was telling you the truth when he told you Bosco had a
7 juror.

8 Juror No. 11 in that case, that case in this
9 courthouse in 1986 and 1987, Juror No. 11 was George Pape. In
10 1977 he signed the petition for Bosco's citizenship.

11 In 1979 when Bosco got indicted in Chicago George
12 Pape testified for Bosco as a defense witness.

13 In 1979 and 1980, after Bosco got convicted, George
14 Pape visited him in jail. The visitor records show that he
15 was his friend and his business partner.

16 Bosco had a juror. Gravano had no idea who the juror
17 was. All he knew, all he testified to you about was that
18 Bosco came to him and said he had a juror, and you know from
19 the other proof in the case that that's true.

20 Throughout this case the evidence does that. One
21 piece of evidence shows you that the other pieces are
22 correct. Look at it all together.

23 Louie Milito I have not gotten to yet. Louie Milito
24 was killed two years later. The conversation that we have
25 already discussed from December of 1989 talks about having

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1 killed both "DiB" and Milito. They were killed two years
2 apart. You know, as I have already mentioned to you, that Gem
3 Steel was a Gambino family property. In March of 1986 John
4 Gotti was informed of that. It was a Gambino family
5 property. Louie Milito was on the books then. Then Gravano
6 came on the books. It's still Gambino family property. It's
7 not Gravano's anymore. He's not one of them.

8 Mr. Krieger established that Gravano made a lot of
9 money by virtue of Milito's murder. No kidding. That's what
10 they do. The reason they kill people is to enhance their
11 ability to make money, whether it's consolidating control over
12 a business or killing a "Corky" Vastola, because you can't
13 make money if somebody gives you up and you go to jail. The
14 reason they kill is to make money.

15 No surprise that Gravano, one of them, his best
16 friend, made a lot of money as a result of killing Louie
17 Milito and so did he. He told you how much Gravano gave him.
18 The two bracket. It might be -- in terms of the money making,
19 in terms of the tax count we'll get to later. That may be the
20 phrase of this case, the two bracket. The two bracket is
21 Gravano turns in -- and it gets more specific -- about
22 \$240,000 in cash to John Gotti every ten weeks, a million two
23 a year in cash from one guy.

24 No kidding they made a lot of money by killing. Like
25 DiBernardo, you should convict John Gotti on the Milito count

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1 based on the December 12 tape. You can also convict on the
2 testimony of Gravano standing alone. Gravano grew up with
3 Louie Milito. There was a problem with Louie Milito before
4 Paul Castellano was murdered. They broke their partnership.
5 Milito and Gravano broke their partnership.

6 Milito went to jail before this murder. After this
7 murder -- and what happens is when somebody gets killed or
8 when somebody becomes a witness, like Gravano, your Gambino
9 family interests -- they don't just kill you and dump your
10 body. Then they go out and get the stuff that belongs to the
11 bourgatta and keep it for themselves.

12 After Thomas Bilotti got killed, horror of horrors,
13 they found out that Louie Milito had gone into partnership
14 with Thomas Bilotti, in a loansharking business. Frankie
15 DiCicco was going to kill Louie Milito the day he walked out
16 of jail.

17 Unfortunately for Frankie DiCicco, fortunately for
18 the time being for Louie Milito, Frankie DiCicco got killed on
19 April 13, 1986, before Louie Milito got out of jail and
20 Gravano told you what happened with Louie Milito. Louie
21 Milito gets out of jail. He's in Sammy's crew, at that
22 point. Sammy Gravano is a captain. Gravano has a
23 conversation with him.

24 He says, I'm going to put you on the shelf. Stay in
25 Staten Island. Keep to yourself. Mind your own business.

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1 You won't get killed. Very gracious of Gravano. Gotti's
2 killer. Stay in Staten Island. We won't kill you.

3 Well, it doesn't work so well. Louie Milito does the
4 unforgivable. He begins to start talking around Gravano's
5 back. He wants to know what Gravano is thinking of him.
6 Worse than that, Gravano gets elevated into the administration
7 and Big Lou Vallario, who is on the captains chart, takes over
8 Gravano's crew.

9 As a result of that, Louie Milito starts bad-mouthing
10 the administration. I should have been captain, says Louie
11 Milito, not Big Lou Vallario. That's bad-mouthing the
12 administration. It's disloyalty. It's subversive and it cost
13 him his life.

14 Gravano testified he went to John Gotti with these
15 problems, said we should kill him.

16 John Gotti said, go ahead and kill him on one
17 condition. Use Genie. Use my brother Genie and his crew.
18 Gravano told you what happened. The plan that probably says
19 more about this family than any other plan. He gets Big Lou
20 Vallario to call up Louie Milito and say, Louie, we're going
21 to kill Johnnie Gammarrano.

22 Of course everybody would believe that, because he
23 spends all his time bad-mouthing Johnnie Gammarrano. You even
24 hear it in the 1989 tapes. The plan is come on in, we're
25 going to kill somebody. Of course the person they are calling

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1 in gets killed himself. Louie Milito goes to Big Lou's club.
2 Big Lou is behind the bar. John Gotti's condition in giving
3 approval to kill Louie Milito is use Genie and his crew.

4 Seated at the table playing cards are John Carneglia,
5 Arnold Squitieri. I had the Carneglia photograph a minute
6 ago. I'll find it before we -- Genie, John Carneglia, Arnold
7 Squitieri, Salvatore Gravano, sitting on a couch is one of
8 John Gotti's other killers, John Carneglia. Louie Milito
9 comes in thinking they are going to be planning someone else's
10 murder and John Carneglia shoots him first in the back, the
11 head, and then to make sure he puts the gun under his chin and
12 gives it to him again.

13 Arnold Squitieri and John Carneglia leave and dump
14 the body. They come back and leave, all three of them,
15 together. Gravano picked a Tuesday night to commit this
16 murder for a very peculiar reason. Very ironically. Tuesday
17 night is the night at Tali's. That's the night people around
18 Gravano met with him. They picked a Tuesday night in March
19 1988.

20 Law enforcement would go to Tali's. It's a big
21 night. They go through as a matter of routine, a matter of
22 course to gather information. In their perverse minds, here
23 is the thinking, we kill him. We dump him. He disappeared
24 March 8 and later on if we get charged with it we'll rely on
25 Kenny McCabe's word. McCabe is the investigator who testified

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Summation/Gleeson

1 about Tali's surveillances. We'll rely on him for our alibi.
2 Beautiful plan. The problem with it, one of the people
3 involved became a witness.

4 Gravano remembers Squitieri, Gotti and Carneglia,
5 Genie's people who committed the murder and dumped the body,
6 leaving and later on that night Genie and John Carneglia go to
7 Tali's.

8 Why should you believe Salvatore Gravano when he
9 tells you John Gotti gave him permission and it was
10 conditioned on the use of Genie's crew?

11 First of all, you know that he gave him permission
12 because John Gotti tells you. That part you know.

13 Why should you believe him?

14 Not that it matters. It doesn't matter who you use.
15 You can't order a murder. But for the moment let's look at
16 how it happened.

17 Why should you believe him when he says he used
18 Johnny's crew, he was told to use Genie's crew?

19 First, he has no reason to lie. If he gets caught by
20 us he's sunk. If he gets caught by the judge he's sunk.
21 Second, you look at him testifying. You decide for yourselves
22 whether he was leveling with you, and I submit he was.

23 MR. MITCHELL: Objection.

24 THE COURT: Overruled.

25 MR. GLEESON: Use the other proof. This is a
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Summation/Gleeson

1 perfect example, and I'm sure you didn't notice this. If you
2 did you're better at this than we are.

3 Kenneth McCabe is an investigator for the United
4 States Attorney's Office in Manhattan, Southern District of
5 New York. He does a lot of surveillances as a matter of
6 routine. Their shtick and John Gotti's shtick is to make fun
7 of people who do this.

8 Didn't he follow you down the block?

9 Didn't he offer to come in and have coffee?

10 Did you use the bathroom?

11 Did you order a baked Alaska?

12 That's their shtick. They make fun of professionals
13 who are doing their job.

14 Let's look at the evidence. Kenny McCabe has done
15 numerous surveillances at Tali's. He goes there for a simple
16 purpose. He didn't know there was going to be a murder that
17 night. He goes there to gather information to see who is
18 there.

19 Hardy-har-har. Let's make fun of Kenny McCabe. Lo
20 and behold, the one night he has seen Gene Gotti and Johnnie
21 Carneglia at Tali's in numerous surveillances, March 8, 1988.
22 If anyone suggests to you that Salvatore Gravano made that up,
23 made up that John Gotti conditioned the permission on using
24 Gene Gotti, maybe they will explain to you just how lucky that
25 is that he just so happens to make that up and it just so

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1 happens that the one night, the one night out of all the
2 surveillances McCabe did at Tali's, Gene Gotti and John
3 Carneglia, the killers, are there.

4 MR. MITCHELL: Objection.

5 THE COURT: Let me know when you find a convenient
6 place to stop.

7 MR. GLEESON: I'm moving on to DiBono, your Honor.

8 THE COURT: This would be a good place for our lunch
9 recess.

10 (Jury excused.)

11 (Lunch recess.)

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Summation/Gleeson

1 AFTERNOON SESSION.

2 2:00 p.m.

3

4 (Open court.)

5 THE COURT: Are you ready, Mr. Gleeson?

6 MR. GLEESON: Yes, your Honor.

7 THE COURT: Seat the jury, please.

8 (Jury present.)

9 THE COURT: All right, Mr. Gleeson, please proceed.

10 MR. GLEESON: Thank you, your Honor.

11 I will start this afternoon with the DiBono murder,
12 racketeering act 6 and Counts Seven and Eight.

13 These defendants, ladies and gentlemen, are charged
14 with agreeing to kill and with killing Louie DiBono. There is
15 no dispute -- and I won't show you the pictures, they are in
16 evidence -- there's no dispute that Louie DiBono was executed
17 at close range. There is no dispute it wasn't a robbery.
18 There was money. You can see the pictures of the money in the
19 car. Louie DiBono was executed in the garage of the World
20 Trade Center. Unlike DiBernardo and Milito, who could be
21 lured into be killed, they had to go out and get DiBono.
22 That's why they found him.

23 Like DiBernardo and Milito, the December 12, 1989
24 apartment tape, standing alone, convicts these defendants. In
25 a way, the December 12 tape, as it relates to DiBono, is even

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1 more chilling than the tape as it relates to DiBernardo and
2 Milito, because John Gotti and Frank Locascio are not
3 discussing why people were killed, DiBernardo and Milito.
4 Rather, they talk about why someone will die, and in
5 particular, why he has been sentenced to death by the
6 administration of the Gambino crime family.

7 John Gotti even sets forth the possibilities in this
8 conversation, and there are two. One of them is that Gravano
9 felt that Louie DiBono had robbed him. That was one of the
10 possibilities why Louie DiBono would be killed. The second
11 was because Louie DiBono did not come in to see his boss, John
12 Gotti.

13 The possibilities are mentioned, I submit to you, and
14 John Gotti tells you which one it is. He tells you precisely
15 why Louie DiBono will die.

16 It's not because Gravano thought that he robbed him.
17 The only reason he was going to get killed was because he
18 disobeyed an order to come in.

19 Before we look at the tape that convicts these
20 defendants, let me bring to your attention some other pieces
21 of proof that bring to bear, that bear significance on this
22 whole concept of coming in. It's not something that would or
23 should ever be self-evident to any of you, or to any of us,
24 for that matter, the concept of coming in and not coming in
25 producing a murder, a death sentence.

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1 Agent Schiliro testified that one of the basic
2 principles of La Cosa Nostra, of a crime family, is absolute
3 obedience to the boss. There are reasons for it. Some of the
4 reasons you can infer yourselves from this evidence. They are
5 all criminals. Everybody in the family is a criminal by
6 definition.

7 They are all capable of treachery --

8 MR. MITCHELL: Objection.

9 MR. GLEESON: Many of them are capable of murdering,
10 themselves. One of the reasons Louie Milito got killed, he
11 himself was a killer. He killed with Gravano. A refusal to
12 come in is the most basic form of disobedience. It keeps a
13 boss from being able to exert control over you. It keeps a
14 boss from being able to keep an eye on you. It looks bad for
15 the boss, particularly if the boss has a big ego. It really
16 looks bad. His own soldiers don't come in.

17 One of the reasons for keeping an eye on the soldiers
18 is to make sure behind your back they are not cooperating. We
19 will get this afternoon, and I will mention in a moment, a
20 couple of quotes from "Corky" Vastola. One of the problems
21 with "Corky" Vastola is he wasn't coming in, one of the
22 reasons they had to kill him.

23 DiBono is not the only context in which coming in
24 arises, as the proof in this case indicates.

25 This is a perfect example of how proof with respect
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Summation/Gleeson

1 to one racketeering act bears on the evidence that relates to
2 another. When John Gotti became boss back here in January of
3 1986, he was apprised -- and we'll get to this in more detail
4 when we talk later this afternoon about the Connecticut
5 gambling and loanshark operation -- John Gotti was discussing
6 the family inventory.

7 Among the discussion was Louie Milito having Gem
8 Steel, a variety of other matters. One of them related to
9 Tommy DeBrizzi. There's a conversation from January 17, two
10 days after he became boss, in the Bergen Hunt and Fish Club
11 tapes, January 17, 1986 that relates -- in the part of the
12 books that relates to Connecticut gambling, and it's about
13 Tommy DeBrizzi, who was the acting captain up in Connecticut.
14 He took over for Piccolo, and he ran the Connecticut
15 operations.

16 I want to read to you now -- and forgive me for
17 reading you quotes. I'll do it as frequently as I think fits
18 this format of the summation.

19 Remember, you have, you have at your disposal all of
20 these tapes. You should listen to them again.

21 In 1986, on January 17, in a conversation with George
22 Remini, this conversation bears not only on the DiBono murder,
23 but it bears very much on the obstruction of justice in the
24 Gambino trial because George Remini gets called several years
25 later to testify, and this is the conversation that

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1 jeopardizes people in the family.

2 As it relates to DiBono, it says as follows: Talking
3 about Tommy DeBrizzi. Tommy never got to see him, see. Tommy
4 sent for him three times. He didn't come.

5 Let me stop myself there.

6 DeBrizzi was in Tommy Gambino's crew. Tommy Gambino
7 controlled the Connecticut operations. He was the captain in
8 control of Connecticut.

9 Tommy sent for him three times. He didn't come.

10 Did he tell you that?

11 So I told him, how come you didn't come?

12 You didn't go when you were sent for? Huh?

13 The conversation continues. Again, this is Gotti
14 speaking to George Remini about the importance of coming in.

15 He says, the reason I didn't go -- the "he" is Tommy
16 DeBrizzi from Connecticut -- I called Tommy Bilotti, Tommy
17 Bilotti says, well, at your discretion, I don't know, at your
18 discretion, if you got any heat at all, just wave it off.

19 Gotti is telling Remini, Tommy DeBrizzi was giving as
20 an excuse for not coming in that he was under surveillance, he
21 was on restrictions after he got out of jail. And according
22 to Tommy DeBrizzi, he was told by Tommy Bilotti he didn't have
23 to report to his captain.

24 Gotti continues, he told him don't worry about what
25 Tommy Gambino says.

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1 Tommy Bilotti, I said, that's why he got sick,
2 talking that way. We'll get to this in the Castellano murder
3 predicate. John Gotti talking about why Tommy Bilotti got
4 sick three weeks earlier.

5 He also says, so I told him, don't you think there's
6 something wrong here?

7 You do it before we call some people, you go. I
8 don't give a fuck if the whole United States Army is on your
9 tail, you go.

10 One of the other things that he says back in this
11 conversation in 1986 is, I'm gonna see if he tries to offer
12 anything, you know. See if Tommy DeBrizzi tries to offer
13 anything as a way to get himself out of being in trouble for
14 not coming in.

15 Gravano, who had nothing to do with these 1986 tapes,
16 told you that John Gotti complained to him about how DeBrizzi
17 had acted in jail and specifically about how Tommy DeBrizzi
18 wasn't coming in. This is 1986.

19 The problem about coming in came up in connection
20 with "Corky" Vastola. John Gotti complains about how John
21 Riggi is handling that problem. John Riggi is the boss of the
22 DeCavalcante family in New Jersey. The problem is "Corky"
23 Vastola hasn't been coming in. The guy, he'll die of old
24 age. It's two years now.

25 Not coming in is important to these people. It's
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1 part of the enterprise. It's part of the rules.

2 Finally, before we get to the DiBono tape, in the
3 tape where they talk about who should get made, the January 4,
4 1990 apartment tape, it's the first tape you heard in this
5 case with Agent Schiliro. It relates to the enterprise.

6 When Gotti and Gravano and Locascio talk about what's
7 important in making someone, after Gotti says, I want people
8 who done more than killing, they talk about how John Gotti is
9 the most comfortable with Fat Dom, Fat Dom Borghese, one of
10 the guys they decided to make, in fact, the guy that was
11 congratulated in the hallway the day he got made.

12 Gravano -- excuse me -- Gotti says, out of everybody
13 there, that list there, you got Fat Dom. I'm the
14 comfortablest.

15 Gravano: He's down when he gets the call.

16 Gotti: So he'll be good, you know, he'll be good.

17 Locascio: That's what you want. You don't want
18 nothing else but that.

19 Gotti: I agree.

20 Frank Locascio: Somebody that's loyal, faithful and
21 he's there when you need him. That's it.

22 That about sums up DiBernardo, Milito and DiBono.
23 The problem with DiBernardo and Milito is they were not loyal
24 and faithful, as far as John Gotti was concerned, and the
25 problem with Louie DiBono was he wasn't there when they needed

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1 him.

2 The December 12 tape speaks for itself, and we'll
3 play a portion of it now.

4 (Pause.)

5 MR. GLEESON: Can people see all right down there?

6 These are two segments. The first one is from
7 pages 32 and 33 of the December 12 conversation.

8 (Tape played.)

9 MR. GLEESON: Again, I submit to you, ladies and
10 gentlemen, proof doesn't get any better than this.

11 Yes, there's another problem with DiBono. He was
12 accused of robbing. John Gotti says, I saw the papers. He
13 didn't rob nothing. Option number 1 for why he might have
14 been killed.

15 The other option is stated right there, and it's the
16 one he chose.

17 You know why he's dying?

18 He's going to die because he refused to come in when
19 I called him. He didn't do nothing else wrong.

20 Frank Locascio knew about this problem.

21 He immediately follows that with the statement, you
22 have that meeting yet?

23 John Gotti says, no, we are gonna to have it
24 tomorrow. We'll get to the December 13 tape in a moment.

25 Frank Locascio predicts, ladies and gentlemen, that
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Summation/Gleeson

1 Louie DiBono will try to buy his way out of his problem.

2 John Gotti says, no, it will not happen. He will not
3 take nothing. He should take it, but he wouldn't take nothing
4 from him. He's gonna get killed because he disobeyed coming.

5 It's worth blowing this transcript up that big. It
6 really is. It's ridiculously big, but this proof is
7 ridiculously strong. The head of the Gambino family, we open
8 that window for six hours, and one of the things we hear is
9 the head of the Gambino family telling you why a person is
10 going to get murdered.

11 Because he disobeyed coming. He didn't do anything
12 else wrong.

13 The next segment is on page 47 of the transcript.
14 Agent Gabriel, please.

15 (Tape played.)

16 MR. GLEESON: This is John Gotti's idea of a
17 situation. A situation is Louie DiBono went into partnership
18 with Sammy Gravano, which we know from other proof which we
19 will get to in a minute. It didn't work out well. He could
20 have gotten killed for robbing, but that's not why he's
21 getting killed. He's getting killed for one single reason.
22 He refused to come in when John Gotti called. That's the
23 situation he's talking about.

24 It convicts these defendants. This conversation
25 alone convicts them.

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1 MR. CARDINALE: Objection.

2 THE COURT: Overruled.

3 MR. CARDINALE: May we be heard at sidebar?

4 THE COURT: No.

5 MR. GLEESON: Here is what Mr. Cardinale had to say
6 about this conversation in his opening statement to you. He
7 said, this conversation he was referring to, he said "that
8 sounds, taken in that context, like something sinister." No
9 kidding.

10 "And that is the basis upon which the government
11 makes the charge against Mr. Gotti and my client,
12 Mr. Locascio, for the DiBono murder. When you hear this tape,
13 the evidence will show in the course of thinking out loud,
14 Mr. Gotti is giving his thoughts about this whole problem
15 between Mr. Gravano and Mr. DiBono." These are
16 Mr. Cardinale's statements to you in his opening where he gave
17 you promissory notes.

18 "As he is thinking out loud, he is saying, among a
19 number of things that will put this in the right context, that
20 DiBono, if he will just come and we can hash this out, there
21 will be no problem.

22 "Here, this is a problem that Gravano has started.
23 DiBono was in the middle, Gravano was a screwball, Gravano
24 has, God knows what he might do, and this guy has got a
25 problem with Gravano not with Gotti, not with Mr. Locascio,

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1 but with Mr. Gravano, and he has got a problem, because if he
2 would just come in we could straighten this out."

3 Let's look at that.

4 MR. CARDINALE: Why don't you continue.

5 MR. GLEESON: I will continue. Let's look at that
6 statement. "If he will just come in, we can hash this out, no
7 problems.

8 "Well, Locascio says, 'I predict he's going to try
9 to give you \$50,000,' and John Gotti says, 'no way, he's going
10 to get killed anyway.'" Call him in on his promissory note.

11 "And this guy has a problem with Gravano, not
12 Locascio, not Gotti or Locascio.

13 "There is no problem, as far as Louie DiBono is
14 concerned, about robbing. I saw the papers and everything.
15 He didn't rob nothing. His problem is with me, John Gotti."

16 Maybe in his summation Mr. Cardinale will point out
17 to you the indication in this conversation where this problem
18 can be hashed out, where John Gotti says, if he just comes in
19 we can hash it out. Maybe he'll point that out to you.

20 This December 12 conversation alone convicts these
21 defendants, not only of conspiracy to murder DiBono -- this is
22 an agreement to kill him-- but of the murder itself.

23 Don't let them tell you, ladies and gentlemen, that a
24 10-month period between deciding somebody is going to get
25 killed and the person showing up dead in the World Trade

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1 Center -- there is other proof I will get to in a moment but,
2 in and of itself, don't let them tell you that a 10 month gap
3 gives them the break on this murder.

4 I mentioned this this morning. This is not running
5 up to somebody in the street and touching them. It's not
6 patting them. We are talking about killing people, killing
7 them in ways in which you don't get caught. They don't want
8 to get caught for murder. They are not going to run up to
9 Louie DiBono and shoot him in the face. They are going to get
10 caught. It's difficult.

11 They have proved to you it is difficult to kill
12 people who won't come in. Don't let them tell you a 10-month
13 gap ended that order, that decision, that agreement. The
14 short road in this evidence is right there. There's a longer
15 road which we are going to take right now. The longer road
16 further convicts them.

17 Again, bear with us on the far end. I will read it
18 all to you.

19 In that December 12 tape, John Gotti discusses -- and
20 you saw a portion of it -- the fact that while he was in jail,
21 after he became boss, while he was in jail, Sammy Gravano went
22 into business with Louie DiBono.

23 You may not remember this, there was a lawyer named
24 Hyman Friedman who testified to the incorporation of certain
25 companies, the distribution of shares in others, the

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Summation/Gleeson

1 partnership on paper between Gravano and DiBono in Mario &
2 DiBono Drywall and in Mario & DiBono Fireproof.

3 Gotti himself, on the December 12 tape, tells you
4 what Gravano otherwise told you, which is, Gotti got word in
5 jail that he had a hidden 10 percent interest in the company.
6 That's where he was reminiscing about he used to be nothing
7 but a highjacker. Here they send me word in jail I got a 10
8 percent interest in a million dollar company.

9 When you hear the December 12 conversation, again you
10 will hear the reference to the fact that, in fact, Gravano
11 opened a business, as he testified, went into business with
12 DiBono in order to start something for the boss, John Gotti,
13 who gets 10 percent. That's while he was in jail.

14 John Gotti gets out of jail in March of '87. There's
15 no problem through '87. There begin to be problems in '88.
16 You heard about those problems from several sources, one was
17 Gravano.

18 You heard about how the problem came to a head from
19 Joe Lentini, a builder who had hired Mario & DiBono Drywall to
20 do a project.

21 Joe Lentini got a tax lien on February 14 of 1989
22 from the IRS. Joe Lentini was a builder. The tax levy is in
23 evidence. The IRS said don't give your money to Mario &
24 DiBono, give it to us. They haven't been paying their
25 withholding taxes.

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1 On February 20, Lentini sends a mailgram to DiBono,
2 shape up or ship out. On March 8, 1989, Mario & DiBono is off
3 the job. Gravano takes over.

4 Another one of the surveillances, the significance of
5 which you couldn't possibly have understood, is Louie DiBono
6 is in the crew of Patsy Conte. Patsy Conte is on the chart.

7 Patsy Conte is acting captain, as is Paul Graziano.
8 Proof in this case shows overwhelmingly that the way the
9 administration tried to get hold of DiBono for whatever
10 reason, first for Gravano to break up his business interest,
11 second, to kill him, to kill DiBono was through Paul Graziano.

12 On March 10, 1989, right after this problem blew up,
13 the tax problem, John Gotti, accompanied by the people who
14 were always with him, Jack D'Amico, Joe Joe Corozzo, are
15 surveilled meeting at the Grotto Azzurra Restaurant with Paul
16 Graziano.

17 Gravano testified that once this problem blew up he
18 wanted to kill Louie DiBono. He went to his boss. He asked
19 him if he could kill him. The boss said no, you can't. I am
20 going to make some money off him. Just stay away from him.
21 Get out of business with him. I will take him over. You
22 can't kill him.

23 That's the second time Gravano wanted to kill
24 DiBono. He testified about back when Paul Castellano was
25 alive he had a problem with DiBono and he wanted to kill him

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1 and he was denied permission.

2 The one thing this proof shows is when Salvatore
3 Gravano isn't given permission to kill somebody he doesn't
4 kill them. Gravano wants to kill him. The boss says no. It
5 takes Gravano, according to his testimony, five to seven
6 months just to get Louie DiBono in to take him, to get out of
7 the company, to get Gravano out of the company.

8 There was a problem with outstanding taxes. On
9 November 1, 1989 -- there is cross-examination of Gravano.
10 Mr. Krieger pointed out that on November 1, Gravano had called
11 Graziano, their link to DiBono. DiBono went crazy, to use
12 Gravano's term. He was not showing up. He was using drugs.
13 He was gambling. Their link to him was Paul Graziano.

14 On November 1 of 1989 -- and you heard some of this
15 conversation -- Gravano was telling Graziano, just tell the
16 guy he's gotta come in. I'll meet him in his lawyer's
17 office. He can bring 14 people. I just want to get out of
18 the business.

19 That happens. The documents are in evidence. On
20 November 16, 1989 -- these are defense exhibits, Gravano
21 testified about it on direct -- on November 16, 1989, Gravano
22 is out of the company. At that point the federal taxes are
23 paid and there are outstanding state taxes due and owing.

24 On December 12 is the conversation we just heard, the
25 conversation between Gotti and Locascio where Gotti says that

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1 Louie DiBono is going to die for not coming in. That happens
2 on the 12th, as we've already mentioned. There was apparently
3 a meeting set up for the next day.

4 Locascio predicted that Louie DiBono would buy his
5 way out of the problem. We don't have a surveillance of the
6 meeting. We don't know if a meeting occurred. We do know
7 that the very next night Gravano was in the hallway with John
8 Gotti and John Gotti ranted about Louie DiBono.

9 He was told to pay this thing eight months ago. Fuck
10 him, Sammy. But this cocksucker, enough of that, and I don't,
11 I'm not gonna let that kind of shit interfere with this Cosa
12 Nostra when a punk like him was told nine months ago resolve
13 this thing.

14 That conversation is about Louie DiBono. That
15 conversation shows, once again, in addition to the explicit
16 statement by John Gotti on the 12th, it shows that Louie
17 DiBono's problem, this tax problem, is a problem he now has
18 with John Gotti.

19 Gravano is on paper, no doubt about it. He is on
20 paper. He is by law still liable. The problem that Louie
21 DiBono has from these taxes is with John Gotti, and it was
22 very important, I submit to you -- this is a lesson on how to
23 deal with evidence.

24 In his cross-examination of Gravano, Mr. Cardinale
25 absolutely insisted in his questioning that this could not be

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Summation/Gleeson

1 about Louie DiBono. He questioned Gravano, he said, about
2 this very conversation, he was told to pay this thing eight
3 months ago.

4 "QUESTION: And another --" page 51252.

5 "QUESTION: And another thing you said" -- these are
6 areas where there are no names mentioned, Louie DiBono's name
7 is not mentioned -- "just some problem that's nine months old,
8 correct?

9 "ANSWER: Yes.

10 "QUESTION: What you're saying is, as you now sit
11 here as a government witness and wish to interpret that tape,
12 you put a meaning to it and you feel that you can fit it into
13 DiBono's problem, isn't that what you're doing here?

14 "ANSWER: No."

15 Well, look at all the evidence. In the
16 cross-examination of Gravano, counsel insisted that this
17 couldn't be about DiBono because the tax problem had just
18 arisen.

19 Well, what do you know when you look at all the
20 proof?

21 Of course they are approximating eight or nine months
22 ago he was told to pay this thing, but what do you know?

23 Eight or nine months ago the problem blew up. Eight
24 or nine months ago John Gotti met with Paul Graziano.

25 When Salvatore Gravano says to you that on the 13th
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1 John Gotti is ranting about Louie DiBono, it is absolutely
2 corroborated by the evidence.

3 The conversations about DiBono continued. Gravano
4 told you that the contract to kill DiBono was given to his
5 captains, Patsy Conte and Paul Graziano. On January 4, 1990,
6 with Locascio present and Gravano present, John Gotti
7 exploded, showed his frustration about the inability of Conte
8 and Graziano to kill DiBono. This is right at the end of the
9 apartment as they are about to walk out.

10 Patsy wants to see me. He says it's pretty
11 important. It's gotta be that guy. I already tell ya -- and
12 he begins to whisper -- inaudible, and now, until then I gotta
13 hit him coming out of the fuckin' door. I don't give a fuck,
14 right, comin' out of the door.

15 They are talking about Louie DiBono. They are
16 talking about the fact that they can't get Louie DiBono into a
17 meeting where Louie DiBono can be killed in a way they won't
18 be caught.

19 This is frustration. There is no intention here of
20 actually killing Louie DiBono as he comes out of the door of
21 his house. This is frustration at the fact that they haven't
22 been able to kill him.

23 It continues on January 24, right in the middle of
24 the conversation about killing Vastola. John Gotti compares
25 the liaison guy in Johnny Gambino's crew, the one we talked

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Summation/Gleeson

1 about this morning, to Louie DiBono. The liaison guy's
2 getting whacked and he's gotta get whacked because he's
3 getting the same, for the same reason "Jelly Belly" is gettin'
4 it. You want to challenge the administration, you're goin',
5 you motherfucker.

6 That's what Louie DiBono did. He challenged the
7 administration by not coming in when he was called. It sounds
8 to those of us who aren't initiated like not a major problem.
9 It is a major problem, and you know that because John Gotti
10 tells you.

11 Mr. Cardinale said, well, Louie DiBono's name isn't
12 mentioned on December 13. Gee, he's not mentioned by name on
13 January 4. Well, you put all the proof together, ladies and
14 gentlemen, and apply your common sense to it, and you also had
15 the guy who opened the entire door to what these people do,
16 you have Gravano who was there, who told you what it was
17 about. It's about killing a man.

18 March 28, Louie DiBono comes down to the Ravenite.
19 In the face of unequivocal, unchallenged statements on tape,
20 the statements about Louie DiBono were not challenged. That's
21 what was said, in the face of an unequivocal statement that he
22 was sentenced to death, he would die.

23 And why?

24 The defendants want you to believe that because Louie
25 DiBono came down to the Ravenite on March 28, 1990, that none

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1 of the rest of that, none of those conversations, those
2 explicit conversations about killing him, meant anything.

3 Well, he came in on March 28.

4 So what?

5 First, Louie DiBono is not getting killed because
6 he's not coming in in the future. He's getting killed because
7 he didn't come in in the past. Second, showing up at the
8 Ravenite unannounced is not coming in. You can't kill someone
9 in the Ravenite. It's laughable.

10 In fact, when Gravano whispered that, when Louie
11 DiBono finally did show up, they all laughed. You can't kill
12 him right there. We're watching. We're listening. They know
13 we are watching, they believe we're listening, which is why
14 you have 550 or 600 hours of club tapes. You don't hear any
15 of the stuff that you hear when you open the window to that
16 apartment.

17 You can't kill him in the club. That's not coming
18 in. Coming in is, come on, Louie Milito, come on in, we are
19 going to kill Johnny Gammarrano when you get him in a
20 basement. Come on, "DiB," we work every day. I want to talk
21 business with you tonight. Louie DiBono would not do that,
22 because Louie DiBono knew what kind of trouble he was in.

23 More importantly, I submit to you, ladies and
24 gentlemen, that you should listen carefully to the March 28
25 hallway conversation between DiBono and John Gotti. It is a

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1 very disturbing conversation, I submit to you, in this
2 perverse world that you are getting a look at, in this very
3 sick, demented enterprise --

4 MR. MITCHELL: I object.

5 THE COURT: Overruled.

6 MR. GLEESON: This is how you beg for your life.

7 Louie DiBono came down to the Ravenite Social Club.
8 He was told in March of '89 to solve this problem. He hadn't
9 resolved it by December 13, 1989, and the boss was very
10 angry. The boss stayed angry.

11 Louie DiBono came down to the Ravenite. He went into
12 the hallway with John Gotti. It should have occurred to you
13 that if the problem with the taxes was as between Gravano and
14 DiBono, it should have occurred to you then why is Louie
15 DiBono going in the hallway with John Gotti and showing him
16 canceled checks that he paid off the taxes?

17 It should have occurred to you, and I submit it
18 probably did, that when Louie DiBono goes in there and shows
19 him the checks, and shows him that he paid him off, and then
20 pleads with him and tells him, I said, ya know, I'll tell
21 ya -- he's recounting a conversation he had coming down,
22 before he came to the club, I'll tell ya, Joe, I love John,
23 he's a good man. I said, I owe him so much to make money for
24 this man, I gotta make, I gotta make, and I gotta make money,
25 I make money, we're making money.

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Summation/Gleeson

1 This is how you plead for your life in the Gambino
2 crime family. You tell him you solved the old problem. Well,
3 Frank Locascio predicted it on December 12, he's gonna come
4 and give you money.

5 Well, Louie DiBono didn't have any money on
6 March 28. Things had gone downhill for him. What he did was
7 he came in, he said, I took care of my old problem, John, and
8 I want to make money for you.

9 Why?

10 Step back a little bit.

11 Why does he want so much to make money for him unless
12 he's the boss of the Gambino crime family? Is Louie DiBono a
13 soldier who is trying to fleece him? Who's got a problem?

14 Louie DiBono doesn't have money to give him. He
15 can't buy his way out. Instead, he comes in, he says to John
16 Gotti, there's a job. If you promise labor peace we'll all
17 make money off of it. He mentions Howard Blitman. He says,
18 if you give us the guarantee for labor peace, we'll get a
19 piece of the action. Joe Watts will get all the supplies.

20 In fact, as you know from Howard Blitman, there was
21 no such job. It never got off the ground. There was nothing
22 for DiBono to give to John Gotti.

23 (Continued next page.)

24

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Summation - Gleeson

1 MR. GLEESON: (Continuing).

2 He promised him money. He couldn't deliver it.

3 This is a way to beg for your life. That's what he
4 was doing.

5 It is, there is no question, it is a fact that John
6 Gotti did not shoot Louie DiBono in the head in the hallway.
7 That's an absolute fact.

8 Indication that's not the way they work. The idea is
9 not to get caught.

10 There is a statement at the beginning of that hallway
11 tape. On the transcript it says, I was here last week talking
12 to Pete. Counsel made much of that in their
13 cross-examinations of Gravano, of Schiliro.

14 You listen to the tape. You see what it says.

15 You also, I submit, -- you have the surveillances.
16 He wasn't down at the club the week before. He didn't meet
17 Peter Gotti the week before.

18 But even if he had, so what. He couldn't kill him
19 then any more than you could kill him on March 28.

20 The one other thing they mentioned was arrangements
21 to meet John later that week. Mr. Krieger mentioned breaking
22 bread three or four times.

23 Even assuming such a meeting occurred, the whole --
24 first of all, there is no evidence that it did. But use your
25 common sense.

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Summation - Gleeson

1 The way to kill Louie DiBono is not for John Gotti to
2 set up a lunch date with him. Louie DiBono is not going to
3 tell everybody I'm going to have lunch with John Gotti and
4 then go there and get killed. That's not how you kill him.

5 Even assuming the meeting occurred, the whole
6 problem, the whole problem with DiBono is the fact that he
7 didn't come in before December 12, 1989.

8 There is an undeniable reality to these tapes. He
9 was sentenced to death by the administration, as of December
10 12, 1989.

11 Gravano testified, Gravano opened the door to the
12 rest of this. John Gotti gave up on Patsy and Paul. Patsy
13 Conte and Paul Graziano. They weren't getting it done.

14 Gravano offered to do it. That's the type of guy he
15 was.

16 Gravano offered to do it. John Gotti said no. It
17 was given to Bobby Borriello and Charlie Carneglia, who did
18 it.

19 Gravano got some information about where Louie DiBono
20 was working, the World Trade Center. Gravano got it from Joe
21 Madonia who used to work for Gravano and DiBono. He got it
22 from Johnny Gammarano. He got the information to John Gotti.
23 Within a couple of weeks Louie DiBono was shot down in the
24 World Trade Center parking lot.

25 He was killed by Borriello, Charlie Carneglia and the
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Summation - Gleeson

1 getaway driver was Tony, the kid with Danny Marino, kid who
2 back in January was going to do something. He hadn't done
3 something yet. Well, now he had.

4 As for Gravano's testimony about how the murder took
5 place, Gravano said, he learned about the murder from John
6 Gotti. Learned that it happened, but there was no newspaper
7 report about it. It wasn't on the news. It took two days for
8 it to come out.

9 He even went to Bobby Borriello to make sure, Gravano
10 did, to make sure it was done. Borriello said don't worry
11 about it. It's done. He's in the World Trade Center.

12 What do you know, two days before he was discovered,
13 DiBono pulled his car into the parking lot of the World Trade
14 Center. He was there for two days. Look at the proof. Look
15 at all the proof and see how it corroborates itself, how the
16 different pieces bear on the testimony.

17 Now let's get to what Mr. Krieger wants to be the
18 centerpiece of this case. The murders of Paul Castellano and
19 Tommy Bilotti.

20 Mr. Krieger began his opening remarks to you by
21 calling it the centerpiece, the linchpin.

22 In fact, he said -- if I could get some help with the
23 chart?

24 Just the charges.

25 MR. COTTER: Sure.

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Summation - Gleeson

1 MR. GLEESON: In fact, he said to you, without the
2 Castellano murder, we wouldn't be here. Not at all. He's
3 wrong.

4 The defense wants the Castellano-Bilotti murders to
5 be the linchpin because we don't have the extraordinary
6 admissions on these tapes regarding those murders that we do
7 for DiBernardo, Milito, DiBono.

8 The facts don't bear out Mr. Krieger's opening
9 statement. You have learned, and it is relevant to the
10 obstruction of justice counts, you have learned that in 1989
11 and 1990, there were two federal grand jury investigations
12 that were pending. One was in the Southern District of New
13 York, which is Manhattan, a joint investigation, Manhattan
14 District Attorney's office and the federal prosecutor,
15 Mr. Maloney's countepart in Manhattan.

16 That investigation in the Southern District related
17 to the Castellano murder.

18 During the same time period, there was what was known
19 as the Eastern District investigation, the Gambino Family
20 investigation. That's here. That's us.

21 This is the United States District Court for the
22 Eastern District of New York. You learned that the charges
23 were joined, this charge was joined with all of the rest of
24 these. They were joined together. We would be here, without
25 the Castellano murder.

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Summation - Gleeson

1 MR. KRIEGER: I object to this, if the Court please.

2 THE COURT: Overruled.

3 MR. GLEESON: In a related vein, John Gotti wants
4 you to believe that all we care about is him. The theme of
5 the defense has been, get John Gotti or bust.

6 The proof also shows otherwise. John Gotti is not
7 the center of the universe. He's the head of the Gambino
8 Crime Family, one of five Cosa Nostras.

9 He has received law enforcement attention because he
10 occupies the position of boss of one of the Cosa Nostras.

11 He may choose to bill himself as the center of the
12 universe, but he's not. He's one of five bosses in the city.

13 You've learned throughout this case that people in
14 those positions get prosecuted. His predecessor was murdered
15 while he was on trial. Dellacroce died while he was on
16 trial.

17 Joe "Piney" Armone is in jail. Joe Gallo is in
18 jail. Sammy Gravano is convicted.

19 There are numerous other people in this enterprise
20 that you have heard about who have been prosecuted and
21 convicted.

22 His counterparts, "Chin" Gigante, Vic Amuso, Spiros
23 Valentzas --

24 MR. MITCHELL: Objection.

25 THE COURT: Overruled.

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Summation - Gleeson

1 MR. GLEESON: -- numerous others.

2 It is tempting, although I won't give in to the
3 temptation, it is tempting when it comes to the Castellano
4 murder case to tell you that you can and you should believe
5 the testimony of Salvatore Gravano and convict on it alone.

6 I -- he testified at length about it. You got to see
7 him testify. I submit to you that the more he testified, the
8 more obvious it was he lived that crime, that crime took a
9 year in its genesis. He lived it with John Gotti and the
10 other people who did it.

11 But there are tapes in addition to Gravano. There
12 are scene witnesses.

13 The proof with respect to this racketeering act,
14 racketeering acts one and two, started with book four, which
15 are the Ruggiero tapes regarding the narcotics trafficking
16 that occurred in 1982. It included book 5 with the tapes from
17 Dellacroce's home in 1985, and as I mentioned this morning,
18 there is a critical tape from November 30, 1989, in which the
19 administration of the Gambino Family reminisces about the
20 reasons why Paul Castellano had to get murdered.

21 Judge, can I suggest a short break?

22 THE COURT: Okay.

23 We will recess for a few minutes.

24 MR. GLEESON: Thank you.

25 (The following occurred in the absence of the jury.)

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Summation - Gleeson

1 THE COURT: All right.

2 (Recess taken.)

3 (Continued on the next page.)

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Summation - Gleeson

1 (The following occurred in the absence of the jury.)

2 THE COURT: How do you stand on time?

3 MR. GLEESON: How -- I am taking longer than I
4 thought. I think it's in everybody's interest to finish
5 today, than if we stay a little past 4:30.

6 I am going to trim it back, if I have to, to finish
7 by five, even if I go past 4:30.

8 THE COURT: All right?

9 Get the jury, please.

10 (Jury present.)

11 THE COURT: All right, Mr. Gleeson.

12 MR. GLEESON: Thank you, Your Honor.

13 We have another chart which relates to the murders of
14 Castellano and Bilotti. I would be shocked if you can read it
15 from down there. I'll try to provide the same help that I
16 have been trying to provide.

17 Book four establishes a very key motive for the
18 murder of Paul Castellano. This says four to five, May of
19 '82. It should say April to June of '82.

20 There were tape recordings you heard relatively early
21 in the trial that established narcotics trafficking by the
22 members of John Gotti's crew.

23 MR. CARDINALE: Objection.

24 THE COURT: Overruled.

25 MR. GLEESON: Of the Gambino Crime Family.

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Summation - Gleeson

1 By the way, only John Gotti is charge with the murder
2 of Paul Castellano and Thomas Bilotti.

3 Now, there was narcotics trafficking by John Gotti's
4 crew. There are no narcotics charges in this case.

5 We know how to charge narcotics violations. Angelo
6 Ruggiero, Gene Gotti, John Carneglia, Eddie Lino, Mark Reiter,
7 small world. Another one of the -- Murray Appelman's clients
8 right here. Mark Reiter.

9 MR. MITCHELL: Objection.

10 MR. GLEESON: Arnold Squitieri, Alfonse Sisca,
11 Salvatore Greco, Michael Coiro found out we know how to charge
12 narcotics trafficking.

13 Their proof was offered in this case for the
14 following purposes.

15 First, to prove that there was a rule in the Gambino
16 Crime Family that if you got caught trafficking in drugs, you
17 would be murdered.

18 On page 30 of book four, which is a conversation, the
19 first day they went up in the bug in Ruggiero's house, April
20 24, 1982. It's a different story now. Not even Neil no
21 more. It's Paul. This is Angelo Ruggiero speaking.

22 Him and Chin made a packet. Any friend of ours that
23 gets pinched for junk or they hear anything about junk, they
24 kill them. No administration meetings. No nothing. Just
25 going to kill them.

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Summation - Gleeson

1 Gives you the reason for the rule. Doesn't have
2 anything to do with altruism.

3 They're not warning nobody. Not telling nobody.
4 Because they feel the guy's going to rat.

5 The rule exists because people who get arrested for
6 narcotics get long periods of time in jail. You can't get
7 caught or you'll get killed.

8 The evidence of the narcotics trafficking was offered
9 for that purpose. It was offered to prove that John Gotti's
10 crew was in fact dealing in heroin, and you saw the evidence.
11 It came in very quickly.

12 The narcotics conversations, Eddie Lino was a
13 supplier. There were other suppliers. Eddie Lino supplied
14 heroin and cocaine.

15 There were other suppliers as well.

16 The partners, Angelo, Gene Gotti, John Carneglia.
17 Distributor, Mark Reiter, Arnold Squitieri, Alfonse Sisca.

18 Among the workers, Salvatore Greco and the guy who
19 cashed the money for them, who held it and cashed it, Michael
20 Coiro, who testified in this case.

21 The members of John Gotti's crew, he was then acting
22 captain. There is a conversation in the latter part of the
23 book that makes it clear that John Gotti was the acting
24 captain of the crew at that point in time. They were dealing
25 in drugs.

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Summation - Gleeson

1 It was offered for one other purpose. It was offered
2 to prove that they got caught by us with the bug in Angelo
3 Ruggiero's house.

4 There is another issue and for reasons we will get to
5 a little later, as we get into 1985 I will explain this,
6 it's -- a little on the irrelevant side, but it was an issue
7 that was in this case and that's whether John Gotti himself
8 knew or was blissfully unaware that the people in his crew
9 were dealing in drugs.

10 I'll tell you now. It's irrelevant because when you
11 get to 1985, he's convinced he's going to get killed anyway.

12 Back in 1982, with respect to those tapes, there was
13 a fair amount of questioning with respect to whether then he
14 was aware of it. Of course he was. Of course he was.

15 On page 28 of book four, in relation to the Pete
16 Tambone incident, I read you a quote this morning. John Gotti
17 had a say in whether or not Pete Tambone would be murdered,
18 because Pete Tambone was given up for someone who was doing
19 drugs.

20 In connection with that, Ruggiero said to Gene Gotti,
21 this is all in the context of getting a favor for Pete
22 Tambone, a drug dealer, so he doesn't get killed.

23 Angelo says to Gene Gotti: The only thing your
24 brother made sense was we ask him for a favor, suppose
25 something happening to us. He's talking about with us, me,

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Summation - Gleeson

1 you.

2 The captain of the crew was concerned about the drug
3 dealing members of the crew. He was concerned about whether
4 if they used up the favor with Paul Castellano to get a pass,
5 to get Pete Tambone not to get killed, John Gotti was
6 concerned if we use up that favor, what happens if something
7 happens with Angelo and Genie because they're dealing drugs.

8 There are other evidence -- there is other evidence
9 throughout these tapes and throughout what you know about John
10 Gotti's relationship with Ruggiero, with his own brother, with
11 John Carneglia, where you know John Gotti knew that they were
12 trafficking in heroin, but largely it doesn't matter because
13 in 1985, he was sure Paul Castellano was going to kill him
14 anyway.

15 John Gotti's status in 1982 is borne out by these
16 tapes. By the way, the one thing we all recognize, and I hope
17 you recognize, this is -- there is a lot of proof here. You
18 are getting a lot of information, basically thrust at you.

19 It's all right. It's all right. You'll have all the
20 proof. You have the books. They are pretty much -- they are
21 pretty well divided into categories. They play off one
22 another, of course. You will have all this proof. You'll
23 have the testimony that supports the charges in this case.

24 It is a lot to digest now. Just bear with me. You
25 are obviously doing a very good job of it. Just bear with

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Summation - Gleeson

1 me. There is a lot of proof here.

2 In June of '82, Angelo Ruggiero speaks about how John
3 Gotti is being groomed to take over. He's the backup. It is
4 a conversation at page 100 and a hundred -- to 102, and this
5 is the conversation with Robert DiBernardo. The conversation
6 back in '82 about how every family has groomed, somebody on
7 the side, as a backup to take over. It is Angelo talking to
8 DiBernardo about it.

9 In fact, they speculate as to who if John were boss
10 would become consigliere.

11 Angelo says: I believe in my heart that position is
12 going to Tommy Gambino.

13 So when Gravano tells you that DiBernardo in '86 is
14 speculating, talking about who is going to be the next member
15 of the administratioin, you know DiBernardo's that. He did it
16 with Angelo back in '82.

17 The point here is, as of June of '82, John Gotti is a
18 bigshot. He's an acting captain. A powerhouse captain, John
19 Gotti, is referred to on these tapes, being groomed to be a
20 backup.

21 We will see as we walk through this proof that goes
22 downhill.

23 The first indictment on the Ruggiero tapes is in
24 September of 1983.

25 May of '84, the Ruggiero tapes, and you learned this
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Summation - Gleeson

1 during the course of the trial, pursuant to law the tapes upon
2 which a prosecution is based is -- are turned over to the
3 defendants long before trial.

4 By the way, the Ruggiero case was tried several
5 times, many defendants, and wasn't tried until later in the
6 '80s.

7 That's why Genie, John Carneglia were still on the
8 street in to '89. They didn't get convicted until 1989. Some
9 cases take longer than others.

10 Pursuant to law, the Ruggiero tapes were provided to
11 counsel for the indicted defendants in '84.

12 In 19 -- in late '84, and the source of this -- and
13 this chart as I -- as I argue to you, I'll tell you the source
14 of everything I say because what I say is not evidence.

15 The source of this is the conversation in book 5.
16 That's the 1980 conversation -- 1989 conversation between
17 Gotti, Gravano and Locascio.

18 You may remember this. Gravano talks about having
19 expressed a desire to go down to his underboss, to wish him a
20 Merry Christmas.

21 Paul Castellano said to him, what are you talking
22 about. You're on our side. It's then, it's early on, a year
23 before he actually gets killed, that the factions in the
24 Gambino Family become clear. So clear that the boss is
25 telling a soldier, Gravano, that he can't go down and wish

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Summation - Gleeson

1 Merry Christmas to his underboss down at the Ravenite Social
2 Club.

3 There was a bug in Dellacroce's house in June of
4 1985. You heard two tapes.

5 Paul Castellano went to Neil Dellacroce on June 8 and
6 asked him for the tapes, for Ruggiero's tapes.

7 There is a lot of discussion about he needed the
8 tapes for his case. Bull.

9 Paul Castellano needed the tapes to find out one
10 thing, whether it's actually true that John Gotti's crew was
11 talking about heroin.

12 If tapes are needed in the course of a criminal
13 litigation, attorneys can get them.

14 A statement that Paul makes to Neil about how they
15 use Angelo's tapes in order to get probable cause to put a bug
16 in Paul's house in 1983. None of that had anything to do with
17 the case Paul Castellano was going to trial on.

18 They weren't using Angelo's tapes. They weren't even
19 using Paul Castellano's tapes.

20 Paul Castellano did not need the tapes for a legal
21 reason. His attorney could have gotten them if there were a
22 legal reason.

23 He wanted them to find out, he wanted to hear, he had
24 the transcripts. He wanted to hear whether they were dealing
25 drugs.

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Summation - Gleeson

1 That's why Angelo did not want to give them over.

2 The next day, June 9, Ruggiero meets with Dellacroce
3 and with John Gotti. There is just one quote here.

4 John Gotti says: He's the boss. While he's the
5 boss, you have to do what he tells you.

6 This is a conversation between Ruggiero and Gotti in
7 the presence of their underboss. It's the conversation where
8 Dellacroce says: I have been protecting you and protecting
9 you but the guy won't go away. If we don't give him the tapes
10 we are going to have to roll up our sleeves and go to war.

11 A boss is a boss is a boss is a boss. This is a Cosa
12 Nostra.

13 In front of the underboss, in front of his underboss,
14 in the presence of Ruggiero, John Gotti says, he's the boss.
15 While he's the boss, you have to do what he tells you. June,
16 1985.

17 He sings a different song when he's not around his
18 underboss. In August of 1985, we are now four months before
19 Castellano is murdered, and Bilotti. In August of '85, there
20 is a bug in the Bergen Hunt and Fish Club. The Organized
21 Crime Task Force of the State of New York had a bug in there.

22 John Gotti gave his view about Paul Castelano's
23 request for these tapes.

24 Referring to Paul, he says: He wants Genie's tapes.
25 He can go fuck himself. Paul, mind your fucking business.

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Summation - Gleeson

1 You got your own tapes.

2 That's what John got thinks about Paul Castellano
3 getting the tapes.

4 He also says, and this accords precisely with
5 Gravano's testimony. Gravano said there are three reasons why
6 Paul Castellano was murdered. In 1981, he used an -- he let
7 an outside family, the Genovese people, kill Frank Piccolo, a
8 Gambino captain.

9 The second problem, he sold the family out for his
10 own construction interests.

11 The third problem, Angelo and Genie's tapes.

12 Sam Gravano told you, nobody was happy with Paul
13 Castellano in that preceding year.

14 John Gotti tells you the same thing. August 2, 1985,
15 you know who is happy with them? Absolutely nobody is happy
16 with them.

17 The pressure is building.

18 Did he say -- excuse me. September 21, 1985, we are
19 now less than three months before the murder. John Gotti
20 again expresses his view about whether Paul Castellano should
21 get the tapes. Angelo refused to give them to him. The rest
22 of this conversation you don't have here. It's in book 5,
23 page 50. It's from September of '85.

24 Angelo said: Paul's not getting anything.

25 John Gotti's response, in recounting this, Angelo, he
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Summation - Gleeson

1 was so right. It was ridiculous.

2 Three months before the murder.

3 Now, you have very, very important proof from a
4 conversation that took place November 30, 1989. It is after
5 Coiro was up in the apartment. Coiro got convicted that day.
6 He got brought over that day. We will talk about that in
7 connection with obstruction. He gets kicked out of the
8 apartment. And the administration begins to talk about
9 Castellano.

10 The reason they are talking about him? They have
11 just gotten, corruptly obtained information, about they are
12 going to get arrested. They asked Mike Coiro to go see his
13 corrupt source to find out who and when. They kick Coiro
14 out. The subject is Castellano. They keep talking.

15 You will learn a number of things from that
16 conversation from 1989. One, you learn from John Gotti's own
17 mouth what Sam Gravano told you, that one of the problems with
18 Paul was he sold out the family for a construction company.

19 Just briefly, what that meant, Paul was having
20 Genovese people, Vinnie DiNapoli, handle the construction
21 interests of the Gambino Family rather than somebody like a
22 DG, a Gravano, a DeCicco. People outside the family were
23 getting rich, so was Paul. The other people were starving.

24 John Gotti, that's what made me hate really Paul.
25 You couldn't get a fucking ham sandwich. Everyone is right.

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Summation - Gleeson

1 He sold the Borgata out for a construction company. That's
2 what we're doing.

3 1985, before Castellano is murdered you know from
4 this November 30, 1989 tape, that John Gotti believed that
5 Paul Castellano would kill him. This is why he obviously
6 knew, ladies and gentlemen. He obviously knew his closest
7 criminal associates were dealing in heroin. But it doesn't
8 matter.

9 In 1985, he felt he was going to get killed.

10 Book 5, this is from the November 30, '89
11 conversation.

12 You know what we heard. He felt he had to hit me
13 first. But if he hits me first, he blows the guy who really
14 led the ring. Angelo and them. Supposedly. That's the guys
15 on the tapes.

16 Gravano: I think he would have hit Angelo and not
17 you.

18 Gotti: No.

19 John Gotti thought he was going to get murdered.
20 Gravano told you that in his testimony but you don't need
21 Gravano because John Gotti told you that. On the tapes.

22 Before Dellacroce died, there was a pleading that
23 John Gotti recounts on the November 30 tape, and he talks
24 about a meeting where John -- where Aniello Dellacroce was
25 complaining to Paul Castellano about how Dellacroce was being

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1 treated as underboss. You may recall this conversation.

2 Dellacroce was complaining, a guy likes me, you don't like
3 him, Paul. It was obviously a hot conversation.

4 There was a point in time during this conversation,
5 as related by John Gotti, when Dellacroce said: You don't
6 want me to be underboss. Break me. I'll be a good loyal
7 soldier.

8 Castellano's response was: If you don't want your
9 job, I don't want mine.

10 And John Gotti's response: You fucking faggot. I
11 was going to say let's take them right now. These two
12 cocksuckers and end it right now.

13 Let's kill Tommy and Paul right now. They didn't.

14 In late 1985, Paul Castellano got the tapes.
15 Mr. Krieger elicited that from Agent Schiliro. He elicited
16 that from Salvatore Gravano.

17 On December 2, 1985, the person who was protecting
18 John Gotti and Angelo Ruggiero died. Neil Dellacroce, the
19 underboss of the family, died, of natural causes.

20 Castellano exacerbated the problem that already
21 existed by disrespecting Dellacroce. He didn't go to the
22 wake.

23 Also during that period, Gravano told you John Gotti
24 was afraid Paul was going to make a move, he was going to kill
25 him.

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1 You know Gravano's telling you the truth because John
2 Gotti is telling you that too.

3 Finally, there was a meeting involving John Gotti and
4 Paul Castellano and others that you know, this is told to you
5 by John Gotti in 1989. He describes a meeting. You know when
6 it occurred.

7 He tells you, it's after the Polack, Neil Dellacroce,
8 died, but before Tommy and Paul died.

9 At the meeting, Castellano mentioned that there was
10 information that Dellacroce was a rat. That information was
11 in the papers. On December -- on December 8, 1985, December
12 9, 1985, December 9, 1985.

13 You know this meeting occurred in approximately the
14 8th or 9th of December, right in the middle, in that two-week
15 period, after Neil Dellacroce died and Paul Castellano was
16 murdered.

17 Castellano told John Gotti, the person who in 1982
18 was being groomed to take over the Gambino Family, Mr. Bigshot
19 in 1982, was told by Castellano that he was going to break up
20 that decine downtown, break up the Ravenite Social Club. You
21 may remember this. Going to send Danny Marino who controls
22 the Westies in there with a bomb.

23 He's got to assign the members of John Gotti's crew
24 to other captains in the family. I believe he mentioned Tommy
25 Bilotti and Joe Butch Corrao were going to get John's people.

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1 John Gotti responds: I was hot as a bastard. I
2 was. It was like outright war.

3 John Gotti had gone from being a powerhouse captain
4 of a very tough crew to having his crew caught by us.

5 He's told you himself all of his troubles arose from
6 two sources, Willy Boy Johnson, who was an informant for
7 fifteen years, more than fifteen years, and Angelo's house,
8 and the problems in late 1985 couldn't have been more severe.
9 They defied the bosses by not turning over the tapes. It was
10 a no-win situation. You can't defy him by not turning them
11 over. Once you turn them over, everybody in the crew is on
12 the tapes dealing drugs. All the people close to Gotti.

13 That's when the need to kill Paul Castellano was at
14 its most intense, its most severe. That's when it happened.

15 You know, and I am not going to relate to you every
16 bit of testimony of Salvatore Gravano about how this
17 happened. You know from his testimony that back early in '85,
18 "Di B" sent him out to Queens where for the first time a
19 conversation about killing Paul Castellano was had. That for
20 a period of months, Frank DeCicco, "Di B", John Gotti with his
21 sidekick Angelo Ruggiero and Salvatore Gravano discussed at
22 funerals and weddings killing Paul Castellano.

23 They needed the support of people in the family who
24 were older, the old-timers. They went to Joe "Piney", an
25 older man, a captain, who himself went to Joe Gallo,

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1 consigliere, and lined up Joe Gallo. He would do the right
2 thing if it happened.

3 There then came to be five factions that were
4 involved in this. DG, really wasn't much of a faction. He
5 was the construction guy with Paul. He was the go-between.

6 The other factions, Frank DeCicco, Salvatore Gravano,
7 who was Todo Aurello's crew, had a bunch of tough guys around
8 him could do a lot of murders. John Gotti, Joe Piney, Frankie
9 DeCicco.

10 And what do you know? The guy who had all the reason
11 to kill the boss became boss.

12 By January 15, 1986, John Gotti was voted boss of the
13 Gambino Family. We have discussed already the support for
14 that, and on January 17, again, these -- some of these
15 conversations relate to more than one racketeering act.

16 Isn't it interesting, that when he comments on Tommy
17 Bilotti's advice, that Tommy DeBrizzi doesn't have to report
18 to his captain, John Gotti's comment is, he told him don't
19 worry about what Tommy Gambino says. Tommy Bilotti. I said,
20 that's why he got sick, talking that way.

21 This is one month after the murder, John Gotti makes
22 a reference to why Tommy Bilotti got sick.

23 The events of the night of the murder you heard in
24 great detail. The night before the murder, they found out
25 about the meeting at Spark's Steak House and the night before

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1 the murder there was a meeting at Stillwell Avenue.

2 The people who came to the meeting were the people
3 who were in on it all along, except for "Di B" who is not a
4 shooter. Plus people mostly from John Gotti's crew who were
5 recruited to be the shooters.

6 The people who had been in on it all along, Gravano,
7 Gotti, Ruggiero, DeCicco.

8 Also there was Joe Watts who had been brought into
9 it.

10 The newcomers, lo and behold, Eddie Lino, his
11 partner, Eddie Lino is one of the people -- one of the drug
12 dealers in the crew.

13 Eddie Lino's partner Fat Sally Scala, lo and behold,
14 John Carneglia, Tony Roach Rampino, close associate of John
15 Gotti.

16 Iggy Alogna, in Gotti's crew, another person was
17 brought in was to be one of the shooters Vinnie Artuso, not in
18 John Gotti's crew, actually with Frankie Locascio from the
19 Bronx.

20 The shooters are told it's a big hit. Can't miss.
21 We'll tell you tomorrow who it is. They arrange to meet at a
22 park. They go to the park the next day.

23 Gravano goes with Joe Watts. He brings with him
24 walkie-talkies. Gravano brings a gun. By the time he gets to
25 the park the shooters are there. The shooters are dressed in

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1 white trench coats, black Russian hats.

2 They leave from the park to go to the scene. You had
3 before you plenty of physical evidence with respect to the
4 scene.

5 You have a photograph of precisely where Salvatore
6 Gravano and John Gotti sat in a car waiting for Bilotti and
7 Castellano to show up.

8 You have a photograph before you of precisely the
9 view that he had from that vantage point.

10 You have photographs in here in evidence that show
11 Sparks from every angle, including the angles of the scene
12 witnesses who identified Carneglia and Rampino.

13 You know what happened from Gravano. Tommy and Paul
14 pull up. They are across 46th Street. Excuse me. They are
15 on 46th Street across Third Avenue at the light sitting right
16 next to Gravano and Gotti. The light turns. They pull in.
17 There are four shooters in front of Sparks. Vinny Artuso, Sal
18 Scala, Eddie Lino, John Carneglia. Directly across the street
19 as a backup Anthony Rampino, Tony Roach.

20 Down the block, Joe Watts, Iggy Alogna, Angelo
21 Ruggiero.

22 And as backup on the west side of Third Avenue, Sammy
23 Gravano with John Gotti.

24 It goes perfectly well. There is plenty of
25 cross-examination of -- of Gravano and I submit to you the

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1 more he got crossed, the more apparent it was that he was
2 there and lived it with these people.

3 There is plenty of cross-examination of well, gee,
4 you were double-parked. You were not double-parked there.
5 There were two cars. There was one lane. A car could have
6 pulled in.

7 The fact of the matter is, Paul Castellano and Tommy
8 Bilotti were murdered and the people got away.

9 We know that. Gravano explained how.

10 Gravano told you who they were.

11 These tape recordings, this evidence, shows you who
12 it had to be.

13 After the shooting, they went back to Stillwell
14 Avenue. The only person who was part of the plot who wasn't
15 on the scene was Frank DeCicco who was in the restaurant.

16 They learned what "Jimmy Brown" Failla and John
17 Gammarano's reactions were. They were inside the restaurant
18 too. Everybody got away.

19 Inside the restaurant, Frank DeCicco, Jimmy Failla,
20 John Gammarano. As they came out of the restaurant they ran
21 into Tommy Gambino.

22 All this cross-examination about how people could
23 have gotten away from the scene. Everybody got away,
24 including significant members of the Gambino Crime Family who
25 were in the restaurant.

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1 The next step after the murder was a meeting at
2 Caesar's East, a restaurant meeting where the charade began.
3 Joe Gallo presided over the meeting. On one side is John
4 Gotti. On the other side, Frank DeCicco.

5 The only people who were present were captains with
6 two exceptions. Angelo and Gravano were there for
7 intimidation purposes.

8 The charade began because the captains were told
9 don't worry. You won't be killed. We don't know who killed
10 Paul. But you won't be killed. There is no problem. Keep
11 quiet. Don't carry guns. Don't talk to people outside the
12 family.

13 Every single person in the room knew they killed Paul
14 Castellano, but they could not admit it. Sounds familiar?
15 Every person here knows their boss and acting consigliere of
16 the Gambino Family, they cannot admit it. Those are the rules
17 they play by.

18 The charade began right after the murder. Gravano
19 testified there was then a meeting in a hotel coffee shop,
20 smaller meeting, not all the captains. Joe Gallo presided.
21 They talked about how to make a new boss. The protocol, how
22 you get someone elected to be a new boss of the family. They
23 just wiped out the top two positions in the family.

24 Gallo said you could never admit killing Paul. He
25 said you need a captain's vote.

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1 They sent out as part of the charade, they sent out
2 official messages to the same crime -- before the murder, they
3 sent out unofficial messages, we are going to kill Paul to
4 three crime families, not to the Genovese people because Paul
5 was tight with the Genovese people.

6 After the murder, they sent out, this is ridiculous,
7 but it is mob stuff. They sent out official messages to the
8 other families. Don't worry. We don't know who did it.
9 We're not going to have a war. They sent those messages to
10 the same people that earlier on they told they were going to
11 kill Paul, because it is protocol. It is mob stuff.

12 Finally, they had the meeting at which John Gotti was
13 elected boss by acclamation. Frank DeCicco was underboss. I
14 submit to you, ladies and gentlemen, that meeting occurred
15 January 15, on or about January 15, 1986.

16 Angelo was made a captain.

17 When you decide among yourselves, each time you
18 evaluate any piece of testimony, especially Gravano's, look to
19 the other proof. See if it has the ring of truth to it.

20 Based on these conversations, I submit to you,
21 everything he said about the Castellano, Milito murders was
22 true.

23 In addition, another example of how the proof bounces
24 off itself.

25 John Gotti -- excuse me. Gravano testified that Joe
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1 Gallo took -- Joe Gallo was contacted ahead of time. Said
2 that he would lend his support after they murdered Castellano
3 and Bilotti.

4 There are explicit references on these tapes by John
5 Gotti to these meetings with Joe Gallo.

6 There is a January 17 meeting, takes place right
7 here, it's the same meeting with Remini.

8 The portion of the conversation that relates to Gallo
9 is in book seven. January 17, 1986.

10 John Gotti talks to -- to Remini, I ain't going to do
11 that. These are good people. Who -- then he goes, so Joe
12 Gallo makes a speech. He says, he's right. He says, he can
13 break all the captains. He can break his underboss any time
14 he wants. The only person he can't break, I says, Joe, don't
15 flatter yourself. I'll get you voted in or voted out. What
16 do you think you're dealing with, a fool.

17 John Gotti tells you that Joe Gallo presided over
18 meetings, protocol meetings about how to replace the
19 administration.

20 He tells you that too. He says on December 12, in
21 the same apartment conversation, where he talks about murders,
22 Joe Gallo told me, when was the last time me and Joe Gallo was
23 together. Four years ago? When that half ass got sick.
24 Three years ago.

25 John Gotti is not close to Joe Gallo. John Gotti had
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1 to be close to Joe Gallo in the aftermath of the Castellano
2 Bilotti murders because Joe Gallo did exactly what Salvatore
3 Gravano told you he did. He got contacted ahead of time. He
4 took care of the transition, John Gotti became boss, and he
5 didn't see him again. He had to see him when the half ass,
6 Paul Castellano got sick, like Tommy Bilotti got sick, didn't
7 have any use for him after that.

8 So when you think about whether Salvatore Gravano's
9 testimony has the ring of truth, think about all the proof.
10 All of these tapes. John Gotti's own reference to say the
11 meetings with Paul -- excuse me -- with Joe Gallo.

12 This evidence shows that John Gotti had the most
13 powerful of motives possible. He thought he would be killed,
14 he tells you that himself. He hated Paul Castellano, and he
15 tells you that himself.

16 He wanted to kill Paul Castellano on other occasions,
17 and he tells you that himself.

18 He became boss immediately after the murder and more
19 so almost than what is said on these tapes in January of '86
20 is what's not said. There is absolutely no discussion about
21 gee, who killed Paul. Maybe the cops killed Paul. Maybe the
22 Genovese people killed Paul. There is no discussion about
23 it. There is a reason for that. There would be discussion
24 about it if someone else had killed their boss. Like him or
25 not.

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1 The reason there is no discussion about it is they
2 killed the boss. And they couldn't talk about it.

3 MR. MITCHELL: Objection.

4 THE COURT: Overruled.

5 MR. GLEESON: He became boss immediately after the
6 murder. That's why he murdered them. His best friend, his
7 absolute best friend, closest confidant, the person who sat
8 with him when they killed him, took the stand, in
9 circumstances where he has an overwhelming incentive to tell
10 you the truth, and told you in chilling detail what happened.

11 In the face of that proof, counsel wants you to find
12 John Gotti not guilty of the Castellano-Milito murders because
13 on November 30, 1989, John Gotti said, he denied it in the
14 apartment conversation.

15 The denial comes -- I am going to read the denial to
16 you in a minute.

17 It comes at the end of the November 30 conversation,
18 the end of this diatribe about Paul Castellano, about the fact
19 that he hated him, about the fact that he thought he was going
20 to get killed by him.

21 (Continued on the next page.)

22

23

24

25

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Summation - Gleeson

1 MR. GLEESON: The reason the denial happens, in the
2 context of the denial Salvatore Gravano is talking about how
3 Nino Gaggi, who was a codefendant of Paul Castellano's -- when
4 Paul Castellano was killed on December 15, 1985, he was on
5 trial in the Southern District of New York. One of his
6 codefendants was Nino Gaggi.

7 You know from the tape that Salvatore Gravano says
8 that Nino Gaggi came to Salvatore Gravano because Gaggi had
9 found out that he himself was going to be killed by Paul.
10 Gaggi came to Salvatore Gravano and said, did you know I was
11 going to get killed, and if you did, how come you didn't tell
12 me. Gravano's response to Gaggi was, I didn't tell you
13 because you're here, aren't you. I knew Paul was going.

14 Gravano in front of Frank Locascio, who had nothing
15 to do with this, and on November 30, 1989 when John Gotti
16 thought he was about to be arrested for it, Salvatore Gravano
17 basically admits it. He says, I didn't tell Nino Gaggi that
18 because -- and as I explained to him -- I knew Paul was
19 going. I knew Paul was going to get killed.

20 Immediately after that John Gotti says as follows --
21 and this is ridiculous. I submit to you this is ridiculous.

22 But anyway, here is a guy whoever done it, probably
23 the cops done it to this guy, whoever killed this cocksucker.
24 Probably the cops killed this Paul, but whoever killed him, he
25 deserved it. He wasn't going to do nothing to nobody anyway.

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1 So why would we do it?

2 We had nothing to do with it. No reason to do it.

3 Complete with -- you can't see on the tape -- a shrug of the
4 shoulder and laugh, the smirk, rather. You can hear Salvatore
5 Gravano start laughing. You can hear him say, I love it when
6 he does that, Frankie. It's a joke. It's their rule no
7 matter how certain it is that he's boss of the Gambino family,
8 he can't admit it. No matter how clear it is to everybody in
9 that family that he killed Paul Castellano, he can't admit it.

10 It's a joke. It's a charade. Everybody knows it,
11 including Frank Locascio, but they have to deny it.

12 Isn't it interesting he can't just deny it, he's got
13 to say he wasn't going to do nothing to nobody anyway.

14 Within minutes of saying what we heard is he had to
15 kill me, not just Angelo, isn't it interesting he said, we had
16 no reason to do it. When he just spent half an hour
17 describing the reasons he had to do it. He was selling out
18 the bourgatta for a construction company. He was going to
19 kill me.

20 This denial is ridiculous.

21 Salvatore Gravano told you this is their way of
22 talking. You're probably getting pretty used to, right now,
23 to Cosa Nostra protocol. Protocol affects everything, who
24 talks to who. It affects how you get people killed. It
25 affects obstruction of justice. We'll get to that, too.

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1 The rule they have is you cannot kill your boss, and
2 if you kill your boss you cannot admit it. There's a
3 fundamental difference between the whole world knowing you did
4 it and admitting that you did it.

5 Finally, you have the tapes themselves. You have
6 Salvatore Gravano and you have seen witnesses, and I will try
7 to do this quickly.

8 Jeffrey Davidson identified John Carneglia. He came
9 up Third Avenue. He came up Third Avenue into 46th Street.
10 His building was just south of 46th Street on Third Avenue.
11 As he came up he went to turn the corner. He was going
12 between two parked cars. As he's going between two parked
13 cars he hears a bunch of shots off to his right. He looks
14 over and sees one man on the ground. He sees Thomas Bilotti.
15 He sees John Carneglia come around the car and put three more
16 into Thomas Bilotti.

17 He also sees, Angel Rodriguez. He didn't know it was
18 Angel Rodriguez, of course. He saw a short Hispanic man with
19 dark hair and a mustache ducking into a doorway into the
20 Chinese restaurant. Jeffrey Davidson saw Angel Rodriguez. He
21 calls 911 and he leaves. He spoke to the cops the next day at
22 work, the next evening on the street, and on December 23 he
23 admits that he was on the scene at the time, but he basically
24 lies to them.

25 He doesn't tell them that he can identify anybody,
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1 and he told you the reason. He was scared.

2 In July of 1987, a year and a half later, Jeffrey
3 Davidson had moved out of the City of New York. He was
4 tracked down by New York City police detectives investigating
5 this murder. There were reports. You saw that there were
6 reports made of everybody who was discussed. There was a lot
7 of excellent detective and special agent work in this case.

8 MR. MITCHELL: Objection.

9 MR. GLEESON: Part of it was tracking down Jeffrey
10 Davidson. He's out of New York. He felt a little safer, a
11 little less endangered. He also felt that these people were
12 not going to go away.

13 The detectives went out, asked him to describe what
14 happened. He told them at that point in time that he could
15 identify he thought one of the shooters, a person who came
16 around and shot into Thomas Bilotti.

17 They showed him a book. God knows why they did a
18 glamour collections book. But they showed him a book that you
19 have, a book with many, many photographs. You have it.
20 You'll have it in evidence of many people in it. He picks out
21 John Carneglia. What a coincidence.

22 He picks out one of the people who would get killed
23 by Paul Castellano because he's all over those tapes. He
24 picks out one of the people who you know from Salvatore
25 Gravano was part of the team to kill Tommy and Paul.

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1 He's brought back to the courthouse approximately a
2 week later. He sits in the lobby of this building, sits there
3 for 30 to 45 minutes, sees a lot of people go by. He
4 identifies John Carneglia. Jeffrey Davidson had absolutely no
5 reason to make this up.

6 In fact, he had plenty of reasons not to. He got
7 nothing. He had criminal problems that he resolved on his
8 own, criminal problems about which the detectives who met him
9 in '87 knew nothing. In fact, he didn't disclose them to the
10 government until 1991. He got nothing but two days of
11 cross-examination.

12 MR. MITCHELL: Objection.

13 MR. CARDINALE: I object to this kind of
14 questioning.

15 MR. GLEESON: It's not questioning. It's argument.

16 THE COURT: Overruled.

17 MR. CARDINALE: My lack of questioning that I object
18 to, your Honor.

19 THE COURT: I said overruled.

20 Mr. Cardinale, I said overruled.

21 MR. CARDINALE: I heard your Honor.

22 THE COURT: I don't want to hear any argument or
23 comment during the course of summation.

24 MR. CARDINALE: Yes, your Honor.

25 MR. GLEESON: There's no hint, no suggestion, no
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1 evidence anywhere in this case that there was any suggestion
2 to Jeffrey Davidson about who he should pick out. There is
3 absolutely no hint of it. It did not happen, and he just so
4 happened to pick out John Carneglia.

5 Angel Rodriguez, when the shooting occurred, he was
6 on the street near the Chinese restaurant. He heard the
7 shots. He hid by the lion, the big lion by the Chinese
8 restaurant. He saw the shooting. He saw two men outside the
9 car shooting the two men in the car. He immediately ran
10 upstairs to the darkroom where he worked. He said people were
11 being shot.

12 He runs back downstairs, comes out of the door and
13 runs right into two people who he looks at, and he knows these
14 people were involved in the shooting. They are walking
15 quickly. They have their hands held in such a way under their
16 coats that Angel Rodriguez, as he put it, thought he ran into
17 them. His testimony was, his reaction was, oh, shit. He runs
18 back. He runs right smack into the door and he cowers in that
19 hallway, cowers by the door while these two people go by.

20 It was very quick. Mr. Krieger on cross-examination
21 made it clear what the truth is. It was very quick. It was
22 about a split second. He kneeled back into the door. He
23 tried to hide. He wanted nothing to do with this case. He
24 told no one. In the spring of 1987 detectives working hard on
25 this investigation found him. He worked in that darkroom. He

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1 heard that the cops were looking for him.

2 He went down to the 17th Precinct in Manhattan. He
3 told them the truth. He told them he could recognize a
4 shooter. Excuse me. He told them he could recognize one of
5 the people who walked past him. They showed him glamour
6 collections, an unbelievable title for this book. They showed
7 him glamour collections.

8 He recognized immediately -- he hesitated in telling
9 the police, but told them within minutes. He recognized
10 immediately the skeleton. Again, Angel Rodriguez had
11 absolutely no reason to make this up and all the reason in the
12 world not to.

13 The defense attorneys in tandem made our point for us
14 about Angel Rodriguez' identification. Mr. Krieger elicited
15 that he only had about a split second. Mr. Cardinale elicited
16 that there's nobody else in this book that looks like Anthony
17 Rampino. They are both right. Both of them are right.

18 He only had a split second and there is nobody else
19 in the world who looks like Anthony Rampino and all you need
20 is a split second to recognize him.

21 The skeleton is in among other pictures on the left
22 in 19.17. You may remember, ladies and gentlemen, that within
23 nine days of his murder on December 24, 1985 there were a
24 bunch of people down at the Ravenite. Right in the doorway
25 was the skeleton. The skeleton is "Tony Roach" Rampino, a

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1 very close associate of John Gotti. He was there across the
2 street. He was across the street as a backup shooter.

3 After the shooting occurred he joined up on the
4 sidewalk with the other people involved and went into the
5 construction tunnel. Anthony Rampino is one of the people
6 involved in the murder.

7 Anthony Rampino is why -- that was December 16,
8 1985 -- Anthony Rampino is the reason why on March 29, 1990
9 John Gotti had to tell Bruce Cutler go talk to Dave DePetris.
10 They are going to immunize Rampino in the grand jury. Go talk
11 to DePetris. We don't need another junkie motherfucker,
12 glamour collections' phrase. We don't need another junkie
13 ratting against us. That's why that had to happen, because
14 Rampino was on the scene. He was one of the people involved
15 in the murder, and he could have given John Gotti up.

16 We called Jeffrey Matlin. He didn't see the
17 shooting. He didn't see faces. He was up Third Avenue. He
18 heard the shots. He came around the corner. He saw three men
19 a third to a half block down 46th Street moving east. Two of
20 the men -- he testified here -- two of the men were in tan
21 trench coats. He had a vague memory of the other person in a
22 dark coat. On the 911 call he identified three men in tan
23 trench coats. He identified a cabbie hat.

24 Like Davidson, he saw Rodriguez. He saw a person
25 backing up away from the people who were leaving the scene of
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1 the murder. The cross-examination, I submit to you,
2 completely missed the point, the cross-examination of Jeffrey
3 Matlin. He saw white trench coats. The point is he saw
4 trench coats.

5 Davidson, who saw John Carneglia, saw dark coats.
6 Angel Rodriguez saw Rampino, who didn't have a white coat. We
7 know that, but the person with him he said had dark coats.
8 Macklin shows you, ladies and gentlemen, what you know
9 yourselves, using your common sense. People see different
10 things. It's inevitable. There's a football game. People
11 will look at a play and argue with one another about whether
12 the person stepped on the line and went out of bounds.

13 There's a criminal justice school event that happens
14 from time to time. They will teach a class. They will have
15 somebody run --

16 MR. MITCHELL: Objection.

17 MR. GLEESON: If somebody ran into this courtroom
18 and shot the court reporter, no offense, and ran out, and then
19 everybody in this courtroom was told to write down what they
20 saw, they would write down different things. There would be
21 different heights, different weights, different clothing,
22 different descriptions. It is a basic principle of human
23 perception.

24 Events occurred on December 16, 1985 at night, very
25 quickly. There was some confusion. Jeffrey Davidson saw a
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1 face. He remembered it. He also believes he saw dark coats.

2 Angel Rodriguez saw a face no one could ever forget.

3 He also thinks he saw dark coats. He might not be wrong on

4 Rampino. Rampino wasn't one of the ones wearing the white

5 coats. Matlin saw no favors. He got the coats right. All

6 three saw what happened.

7 Two of the three saw Rodriguez.

8 Here in this courtroom with the luxury of time, with

9 the deliberativeness of cross-examination, there will be many

10 inconsistencies in what people -- of what witnesses to an

11 event like that saw. That's what happens. The unalterable

12 bottom line, ladies and gentlemen, with respect to scene

13 witnesses are two people who were very reluctant, with no

14 incentive to make this up -- no picnic, coming in here and

15 doing that.

16 Each pick out a person who just so happens to be a

17 close pal of John Gotti's, just so happened to be drug dealers

18 and just so happened to be people who according to Salvatore

19 Gravano were on the scene when they murdered Paul Castellano.

20 MR. GLEESON: Judge, can we take a five-minute break

21 and then I'll try to proceed to the end of this?

22 THE COURT: All right.

23 (Recess.

24 (Jury excused.)

25 (Recess.).

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1 (In open court; jury not present.)

2 THE COURT: Are you ready, Mr. Gleeson?

3 MR. GLEESON: Yes, your Honor.

4 THE COURT: Ask the jury to come out, please.

5 (Jury present.)

6 THE COURT: All right, Mr. Gleeson.

7 MR. GLEESON: Thank you, your Honor.

8 Thank you for your patience and your obvious
9 attention. These are not easy circumstances, to sit in a warm
10 room and have someone talk at you all day. I appreciate your
11 attention. We will move on. We're past all of the actual
12 murders.

13 We'll move on to talk about the Connecticut gambling,
14 some loansharking. Then we'll move on to the Vastola murder
15 conspiracy. I'm happy to report I don't have a chart for the
16 Vastola murder conspiracy. We'll move on to the obstruction
17 of justice conspiracy counts. I do have a chart. I've built
18 them all into one.

19 We'll talk a little bit about taxes and hopefully we
20 can finish up. I appreciate your patience and attention.

21 The Connecticut operation is the subject of the chart
22 that's before you. As is the case with respect to all of
23 these charts, they help summarize some of the evidence.

24 The moment he became boss John Gotti had a
25 Connecticut operation. He complains on January 17, 1986 to
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1 George Remini, a conversation we have already alluded to a
2 couple of times today, he complains to Remini about Tommy
3 DeBrizzi's failure to come in to Tommy Gambino.

4 We have been through this already. Gotti will have
5 Tommy Gambino read him the riot act. He's the captain. He's
6 in charge of Connecticut. He's going to have Tommy Gambino
7 read the riot act to Tommy DeBrizzi because he's not come in.

8 Gotti says in the course of this conversation,
9 there's several hundred a week coming in, Philly and Joey pick
10 it. Philly is Skinny Phil Loscalzo and Joe is Joey Gambino
11 from the Bronx. Remember there's that Joe from Brooklyn, who
12 is of the brother of the Johnnie Gambino the drug dealer.
13 This is Joe Gambino from the Bronx. He's in Tommy Gambino's
14 crew. The moment he is the boss, John Gotti is unhappy with
15 Tommy DeBrizzi. He mentions 1600 a week. For what it's
16 worth, we'll have a tax count. That's 83,200 a year to the
17 boss back, then, from Connecticut.

18 Although they make fun of surveillance agents who do
19 their jobs quite well, we know that in fact Tommy Gambino did
20 read the riot act to Tommy DeBrizzi because they were
21 surveilled doing it.

22 On January 22, 1986 DeBrizzi comes into the Bronx,
23 and who does he meet with?

24 Lo and behold, Skinny Phil Loscalzo, Joe Gambino, the
25 guys who picked up the money from him, and Tommy Gambino --

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1 and you have photographs of the surveillance that was
2 conducted on that day. You have Fat George Remini walking
3 with Tommy Gambino up to the Bronx. You have testimony about
4 the events that day, DeBrizzi going into a location, being met
5 by these individuals.

6 Tommy Gambino read Tommy DeBrizzi the riot act. It
7 didn't work too well. Two years later Tommy DeBrizzi was
8 dead, murdered. The person who took over was Anthony Megale.
9 DeBrizzi was killed in February of '88. Taking over was
10 Anthony Megale. Megale was much better in coming in. He came
11 down to the Ravenite Social Club on 23 occasions. Agent Milo
12 Dowling told you about that.

13 His phone records reveal additional trips, or at
14 least someone using his card in the store next to the
15 Ravenite, making phone calls to his home, even additional
16 trips. Megale reported the operation he ran, you knew from
17 Gravano, is both a gambling and loansharking operation. It's
18 one of the bread and butter activities of the Gambino crime
19 family.

20 You saw a lot of proof about one of the gambling
21 operations by Ralph Mosca. There are other gambling
22 operations. This is one. There are other loansharking
23 operations. That's one of the staples, one of the normal
24 means of producing income for the Gambino family.

25 Now, Megale had a problem, and the proof shows that
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1 when there's a problem with one of these operations the
2 administration gets involved. The problem was on December 7,
3 1987 Megale and 21 other people were indicted in Connecticut.

4 On December 14, 1989 there's a conversation
5 intercepted in the hallway. It's not a long conversation.
6 It's between John Gotti and the Joe Gambino from the Bronx,
7 and they discuss attorneys' fees in Megale's case. One of the
8 things that is obvious from this record, from the enterprise
9 tapes, from all of the tapes, is it is very important who the
10 attorneys are.

11 It's a matter of great concern to the boss. The boss
12 has told you he has spent an enormous amount of money
13 providing attorneys, paying attorneys' fees for people in the
14 enterprise. There's a reason for that. It's one of the ways
15 you exercise control over them. It's one of the ways you make
16 sure they don't take the step and cooperate. It's the reason
17 Salvatore Gravano couldn't trust his own lawyer when he
18 decided to cooperate.

19 Megale and others were indicted. There are 21 of
20 them. Seven days later Joe Gambino is there. On December 19,
21 Tommy Gambino, the captain, comes in, as he puts it, to put
22 John up to date about what's happening. They discuss
23 attorneys' fees. They discuss what's a proper attorney's fee
24 of 25,000 up front, 5,000 a week. The money that's being
25 demanded is crazy.

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1 You know from the proof in this case, from other
2 proof, other tapes, you have to have permission to plead
3 guilty. Megale was charged with running the Gambino family
4 operation. You cannot admit that. You are not allowed to.
5 You are not allowed to admit that any more than the people who
6 killed the boss could admit killing the boss. It's their
7 rules. Megale pleads guilty. He gets permission and the
8 horrible of horrible happens.

9 The indictment charges him with being the head of the
10 operation, the Gambino family operation in Connecticut. He
11 pleads guilty to the racketeering charges that include those
12 allegations. He does everything he can to both plead to the
13 charges, but yet not admit being part of the Gambino family,
14 because Mr. Big and the rest of the administration don't like
15 that. You can't do it.

16 But the horrible happens and the front page, Stamford
17 Advocate, City Man Admits Racketeering. And in the article
18 the worst that could possibly happen happens. He's linked to
19 John Gotti. He's linked to the Gambino crime family, and
20 there's a problem. When there's a problem like an arrest like
21 this, the administration gets involved.

22 Tommy Gambino, as captain, is brought in. Newspaper
23 article appears on April 18. Megale was running things in
24 Connecticut, reporting to John Gotti. A day after he pled
25 guilty, April 17, Tommy Gambino is brought in. He's shown the

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1 article. You know this from Gravano's testimony, and it is
2 corroborated up and down by the physical evidence you have.

3 Tommy Gambino is brought in. He said here is a
4 problem. This can't happen. Gambino says, I don't think he
5 admitted to. If he did, we'll try to fix it. Gravano
6 remembers two things about this. One is he thinks Locascio
7 was present when they talk about the newspaper article. He's
8 pretty sure he's present.

9 But he's absolutely sure he's present at a wedding,
10 when John Gotti tells Locascio and Gravano, go speak to
11 Megale, speak to him about this problem, speak to him about
12 the fact that we have to read in the paper that there is such
13 a thing as a Gambino crime family run by John Gotti.
14 Salvatore Gravano testified to that.

15 What do you think?

16 You look to the other proof. Megale pled guilty on
17 April 17. The newspaper article appeared on April 18. On
18 April 21 you heard from Agent Gabriel John Gotti Jr. got
19 married. When Gravano told you that he was told to speak with
20 Locascio, to go to Megale and speak, he was told at a
21 wedding.

22 You know it's right because the week before the
23 problem appeared and the week after, Tony Megale tried to get
24 his plea back. He filed a frivolous motion. He filed a
25 motion based on newspaper articles that he should get his

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1 guilty plea back. The motion was denied.

2 MR. MITCHELL: I object.

3 THE COURT: Overruled.

4 MR. GLEESON: He filed that motion right after the
5 wedding. On April 24 he filed an unsuccessful motion to
6 withdraw the guilty plea. It's denied. He tries it again.
7 He tries it again on May 2. He moves unsuccessfully to
8 withdraw his plea.

9 He has, by the way, during this period, not been able
10 to come down to the Ravenite Social Club, because he's on
11 restrictions. You should be familiar with restrictions right
12 now. When you get arrested and indicted you're often placed
13 on restrictions. Megale was. That's why all of the
14 appearances stopped with December 7 when he got indicted.

15 He had the problem. He tried to fix the problem by
16 withdrawing the plea. He made it very clear in his papers I
17 never said anything about John Gotti and it's true. He didn't
18 say anything about John Gotti. The problem he had is, the
19 indictment he pled guilty to said that he ran the Gambino
20 organized crime family operations in Connecticut and lo and
21 behold, he can't fix it.

22 He's not allowed to come to the Ravenite, but he
23 comes down one more time anyway. Gravano told you that, and
24 you know it's right because Agent Dowling told you that. He
25 comes down on May 10. He comes down to John Gotti to explain

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1 himself. As a result of that, he's in violation of his
2 restrictions because we're watching the Ravenite. Tony Megale
3 goes to jail.

4 I won't recount for you all of the information in
5 Megale's guilty plea. The allocution, the facts that
6 supported that plea are set forth. They were read to you in
7 large part by Mr. Cotter. They proved convincingly the size
8 of the Gambino family operation in Connecticut. It was a
9 sports booking operation in Greenwich and Port Chester.

10 There were four wiretaps. There was over \$100,000 a
11 day being bet on one phone alone. There was a net profit on
12 just that operation of \$48,000 in one week. There was a
13 sports betting operation in Bridgeport. They recruited
14 people. They recruited people to take sports bets in exchange
15 for a service fee back to the family.

16 There were nearly 200 of those people. All of that
17 is set forth. It's pleaded guilty to by Megale. He ran the
18 operation. You know from Gravano it was both gambling and
19 loansharking, and you know overwhelmingly by this evidence
20 that Megale was this administration's guy in Connecticut.
21 That's their operation. When there was a problem to deal
22 with, they got involved. They are guilty of it.

23 Just briefly with respect to the other loansharking
24 operations -- Connecticut is just one -- Agent Schiliro
25 testified to you that that's among the standard ways Cosa

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1 Nostra families make their money.

2 Another is explicitly referred to, and you'll hear
3 this in connection with the obstruction of justice tapes if
4 you listen to them, and you should. Another is explicitly
5 referred to on the January 17 apartment tape. In fact, when
6 Megale gets arrested, John Gotti jokes.

7 He sees the indictment. There's a 35,000 shylock
8 loan alleged in the indictment. John Gotti makes fun of it
9 because it's too small for him.

10 There's a real major league loansharking operation
11 run by Joe "Butch" Corrao.

12 MR. MITCHELL: I object.

13 THE COURT: Overruled.

14 MR. MITCHELL: May we be heard on this, your Honor?

15 THE COURT: Overruled.

16 MR. GLEESON: And John Gotti explains in that
17 January 17 tape that Joe "Butch", one of his captains, the
18 captain who also has George Helbig, who has the hook into the
19 police department, Joe "Butch" Corrao has a loansharking book
20 that's \$3 million.

21 There's a third conversation. There's a hallway
22 conversation that's among the money conversations at the very
23 end of the case in book 7 where John Gotti is talking to Joe
24 "Butch" Corrao and John Gotti talks about Jack D'Amico, his
25 personal secretary.

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1 He talks about how he gets Jack D'Amico \$500 a week
2 take-home pay from the garment center, from the bogus job at
3 Scorpio Marketing. He also talks about how in addition to the
4 500 a week that Jack D'Amico gets from Scorpio, that Jack
5 D'Amico makes money off \$30,000 that John Gotti gave him to
6 lend out.

7 MR. MITCHELL: I object.

8 MR. GLEESON: And he tells you how much Jack D'Amico
9 makes from the \$30,000 of John Gotti's money. He makes two
10 points a week. It's \$600 a week. D'Amico keeps 400. John
11 Gotti gets 200. It's another instance, another example of the
12 agreement to engage in loansharking.

13 By the way, at two points a week Joe "Butch's"
14 \$3 million book would net \$60,000 a week.

15 MR. MITCHELL: May I have a continuing objection to
16 these arguments, your Honor?

17 THE COURT: You had a continuing objection since
18 about 9:30 this morning, Mr. Mitchell.

19 MR. MITCHELL: That's fine.

20 MR. GLEESON: The fact of the matter is, as the
21 proof shows, part of the gambling operations -- excuse me --
22 part of the Gambino family's staple of business includes
23 gambling and loansharking.

24 "Corky" Vastola is a manual in mob protocol of how
25 to get somebody killed. Let's focus the issue, because the

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1 issue is defined, I submit to you, based on Mr. Cardinale's
2 cross-examination of Gravano.

3 I submit to you there's no real dispute that on
4 January 24, 1990 the administration of the Gambino family was
5 up in the apartment at the Ravenite Social Club. There's no
6 dispute that John D'Amato, the underboss of the DeCavalacante
7 family, came up there to that location. There is absolutely
8 no dispute that they are talking about killing somebody.

9 I mention this at the outset. Just the premise here
10 is they are talking about killing somebody. The issue is
11 whether they are just being polite and talking about it out of
12 respect or, as the proof shows, they really want to kill him.
13 That's what the proof shows.

14 Gravano says what happened, and everything Gravano
15 says about this is on the January 24 tape. The Jersey crew --
16 I'll try to do this more quickly than I have done the other
17 stuff because the day is getting long, and if I have not worn
18 out my welcome already I don't want to -- the Jersey crew is
19 run by John Riggi and John D'Amato, "Corky" Vastola who was
20 indicted way back in '86 not long after "DiB" was murdered.

21 "Corky" Vastola had not been coming in for a couple
22 of days. The administration of the DeCavalacante family, John
23 D'Amato, and the complaints got to the point where they told
24 Gravano and John Gotti that they wanted to kill "Corky". The
25 problem, the same problem with Louie DiBono. Very tough to

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1 kill someone who won't come in when you call him.

2 Barry Nicholo makes the protocol problem. This is
3 like a law school exam except it's really a Cosa Nostra exam,
4 because here is what happens. The only person who can kill
5 "Corky" is Barry Nicholo. "Corky" is with the Jersey crew.
6 Barry Nicholo is with the Genovese crew. The Jersey people
7 don't get along with "Chin" Gigante, who runs the Genovese
8 family.

9 Here's the problem. Barry Nicholo comes to Gravano.
10 Nicholo is with the Genovese family. Gravano, as you know, is
11 in the administration of the Gambino family. Gravano, good,
12 loyal soldier that he is, tells Nicholo what has to happen.
13 Nicholo recounts the fact that a soldier in the Jersey crew
14 came this him, Nicholo, and said, would you kill "Corky"
15 Vastola.

16 Gravano says you can't do it that way.

17 Get the soldier?

18 Here, Virgil Alessi is the soldier. Tell him to come
19 in here. You can't do it this way, he says to Barry. You are
20 going to get yourself killed. He calls in Virgil Alessi and,
21 as Mr. Cardinale pointed out, has a meeting with Virgil
22 Alessi, but it just so happens it's out of doors.

23 No kidding it's out of doors. They are bribing a
24 cop. The cop tells them on January 17 about all the bugs
25 directed at Gravano. Of course Gravano is going to meet

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1 outdoors. Why talk indoors when you know you are being
2 bugged. He meets outdoors with Virgil Alessi.

3 We are there. You have a photograph of the meeting.
4 It's the only time he met Virgil Alessi at Stillwell Avenue.
5 They are talking about killing "Corky" Vastola. The minute
6 someone suggests to you that when they are walking around the
7 block in intense conversation around the Ravenite Social Club
8 that they are talking about football games.

9 Think about this: You know what they are talking
10 about because that evening Salvatore Gravano tells the rest of
11 the administration what they talked about. He tells Virgil
12 Alessi you can't do it this way. Go back to your underboss,
13 John D'Amato, tell him to come down to the Ravenite Social
14 Club and do it the right way.

15 That's what happens. D'Amato comes down to the
16 Ravenite Social Club. There's a meeting. There's a
17 premeeting. Before D'Amato goes up into the apartment Gravano
18 goes up and with his criminal colleagues tells them what's
19 going on, tells them about the situation, that Jersey people
20 want help in killing one of their own.

21 They went to Barry. Barry is the only guy who can
22 get this guy. "Corky" Vastola 100 percent knows, as that's
23 the expression used. He's not meeting with anybody. The only
24 person who can meet him is Barry. Gravano begins to suggest
25 that the Gambino family go to the Genovese people and ask for

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1 permission to use Barry.

2 As he is suggesting it -- you've heard this tape,
3 you'll hear it again -- as he's suggesting it John Gotti says,
4 we'll whack this kid. Gravano's immediate answer is, the only
5 way you can do it -- this is hilarious. His immediate answer,
6 the only way you can do it is through this kid Barry. Gravano
7 would have loved to kill him. There's no doubt about it.

8 That's what he did well for John Gotti. But he
9 couldn't get him in. He tells his boss he can't get him in.
10 The only way to do it is to go to the Genovese people and get
11 their permission.

12 They agree that that's what they will do. They even
13 agree on a plan to take care of the fact that the "Chin"
14 Gigante doesn't like John Riggi. The plan that they agree on
15 is they will send Salvatore Gravano to see the underboss,
16 Benny "Eggs" Mangano, and to tell him, look, we realize you
17 wouldn't do it for the Jersey people. We won't tell them it's
18 for them. They won't know anything. It's a favor to us. It
19 will get done.

20 That's the plan they agree on. John D'Amato comes up
21 into the apartment.

22 The first question right out of the box: Did Johnnie
23 order this?

24 John Gotti wants to know that the boss of the Jersey
25 family, John Riggi ordered this murder. He's told that he

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1 did.

2 There's very little respect for John Riggi on the
3 part of John Gotti, and it's shown in this conversation.

4 They mention to John D'Amato that the "Chin", that
5 the Genovese people might do this for John D'Amato, but they
6 are not going to do it for John Riggi. There's a mention of a
7 restaurant meeting. One of the meetings Mr. Cardinale pointed
8 out we didn't happen to tape.

9 There's a reference to a restaurant meeting involving
10 Frank Locascio and John Gotti and John Riggi where John Gotti
11 says he didn't like the way the boss of the DeCavalacante
12 family talked about this issue of killing "Corky". It's two
13 years now. The guy is going to die of old age.

14 The conversation is loaded with reasons why John
15 Gotti, why the administration of the Gambino family, Gotti,
16 Gravano and Locascio, will agree to help get the help to kill
17 "Corky".

18 By the way, there's a conversation way back. This is
19 a lot like DiBernardo in the sense that there's a conversation
20 back in January of 1986, when they are talking about the
21 problem with the concrete plant where John Gotti says what he
22 feels about "Corky", biggest bullshit artist in the universe,
23 "Corky".

24 Here we are in 1990 and he says, he deserves to go,
25 the way he conducted himself in jail. He says, if you think

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1 the guy's a rat or he's weak, you're jeopardizing the whole
2 bourgatta. He says "Corky" Vastola can't do time. I was in
3 the can with him. He says, I don't know if he's a rat now.

4 Is he going to be a rat some day?

5 Yeah. This is John Gotti and the administration in
6 their infinite wisdom deciding who deserves to die and
7 figuring out how to achieve that result. The only way they
8 can achieve it here, because Gravano can't get Vastola to come
9 in, is to go to the Genovese people, try to get permission to
10 use Barry, put it in such a way that the Genovese people will
11 do the favor for the Gambino family, even though they don't
12 like the people in Jersey, to try to get it done. That's
13 what's agreed upon.

14 John D'Amato says to John Gotti, should I go talk to
15 Johnnie about it, to John Riggi, to my boss, the underboss?

16 Gravano was questioned about this. He didn't need to
17 go talk to John Riggi about it. They don't respect John
18 Riggi. They didn't want him to talk to John Riggi about it.
19 They were going to send Gravano to Benny "Eggs" and just get
20 it done. Let's not get more people involved. Let's not talk
21 to Sally "Dogs" Lombardi, Barry's captain.

22 Let's not talk to John Riggi. Let's go. Let's get
23 it done. The object is the guy has to get hurt. In the
24 future we got to do all things like this, and we'll never hear
25 these tapes again.

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1 They talk about killing "Corky" Vastola and they talk
2 about why. They were not successful because the Genovese
3 family decided they were not going to do the favor. That's
4 why it's only a conspiracy. We also -- just briefly, you may
5 recall there was testimony about how they were going to kill
6 him.

7 Barry had access to a farm. They were going to kill
8 him on a farm. We found that farm long before Gravano came
9 in. We found the farm. It was absolutely true. Barry
10 Nicholo was making offers on farm property in the same town, a
11 stone's throw from "Corky" Vastola's house. That's where the
12 murder was going to take place. They tried to make it
13 happen. They tried to get permission from the "Chin" to make
14 that murder happen on that farm in Colts Neck. They failed,
15 which is why they are only charged with conspiracy.

16 We're getting there. We're really getting there.

17 A very important part of this case that came in a
18 very short period of time is obstruction of justice. The
19 window was only opened for six hours up into that apartment.
20 It was open for a slightly longer period, seven hours in the
21 hallway, and of course we had access to the conversations in
22 the club on a regular basis.

23 Unfortunately, they have learned about the club.
24 John Gotti talks about how heart breaking it is to hear
25 conversations from the Bergen while he was on trial in 1990.

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Summation - Gleeson

1 This organization is a crime wave, just crimes,
2 crimes, crimes. We've seen six hours of what happens in the
3 apartment, and it's unbelievable mayhem. This is what they
4 do.

5 In order to continue to make huge sums of money by
6 committing crimes, you have to be very careful. You have to
7 murder people who will give you up to law enforcement. That's
8 what happened to Tommy Sparrow, Tommy Spinelli. There's an
9 obsession on the part of these people with not being
10 overheard.

11 I mentioned some quotes to you this morning of tapes
12 where they talk about not being overheard. This is how we get
13 in trouble. We get caught talking. It's very important -- I
14 have another chart -- it's very important for them to keep
15 tabs on criminal investigations directed at them, to make sure
16 that people who were called to testify against them don't.

17 Basically, it's very important to them to obstruct
18 justice, and that's what this part of the case is about.

19 There are three specific racketeering acts within the
20 RICO charge, obstruction of justice to the Tommy Gambino
21 trial. That's the subpoenas to Corrao; Remini and Gotti.
22 Obstruction of justice, Castellano murder investigation, and
23 the bribery of the public servant, the pay of a cop through
24 George Helbig and Joe "Butch" Corrao.

25 Unfortunately, I've waited until the very end of the
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1 day to put up the chart that is absolutely the hardest to
2 read. In 1982 there were tape recordings that were made in
3 Ruggiero's home. We've talked about the narcotics tapes. The
4 latter part of that book -- you heard them separately. We
5 went back to book 4 in connection with the obstruction proof.
6 Those tapes were played to you for a single reason. I'll have
7 to read to you this box, back in 1982.

8 Ruggieri, Gene Gotti and Coiro discuss hooks in the
9 telephone company and the Nassau County District Attorney's
10 office. Coiro is quoted, forewarned is forearmed. That's
11 Mike Coiro's motto. Back then he was an attorney. He is now
12 an inmate because Mike Coiro didn't just practice law. He had
13 corrupt hooks into law enforcement.

14 The conversation from May 21 that's in book 4, May
15 21, 1982 is about two things. It's about having already
16 received a list, a confidential list from the Nassau County
17 District Attorney's Office by bribery and, secondly, whether
18 to give the guy \$5,000 in additional money in order to have
19 him keep them apprised of anything that comes up with them.

20 The conversation is not with John Gotti. He did not
21 go to Angelo Ruggiero's home. That's why he was taken out of
22 the last order -- the last application about electronic
23 surveillance there. He didn't go to the home. He met with
24 them. There are physical surveillances where he met with the
25 people in that home. He didn't go there. The conversation

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1 with Coiro about the corrupt hooks, there's more than one of
2 them.

3 They take place with Angelo Ruggiero, Gene Gotti and
4 John Carneglia. They bribe someone in the phone company to
5 find out about wiretaps. They bribe for information about
6 four numbers.

7 What do you know?

8 What do you know about who they are?

9 Angelo Ruggiero, Gene Gotti, John Carneglia, the
10 three partners in the heroin trafficking and one more, John
11 Gotti, their captain. That was Mike Coiro's role in 1989. It
12 was offered for context so when Mike Coiro walked into the
13 apartment on the day he got convicted for doing that, it shows
14 you who he is, and they know who he is.

15 Now, we'll go chronologically. November 1, 1989 --
16 there are three components to this. Let me back up a little
17 bit.

18 One corrupt hook is the cop. George Helbig has
19 access to the cop through Peter Mavis. Peter Mavis is the
20 cop's cousin. The testimony from people from the New York
21 City Police Department. There's a guy named Bill Piest, a
22 former detective in the intelligence division. He had access
23 to information about organized crime investigations.

24 His cousin is Peter Mavis. You have a photograph of
25 Peter Mavis with George Helbig. This is Helbig. This is

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1 Mavis getting out of a car that Helbig is driving. So, the
2 link in the chain of corrupt information is Detective Piest,
3 is in intelligence, going around, people assuming that he's
4 acting in good faith when he's collecting information.

5 He collects information. He gives it to his cousin
6 Mavis. Mavis is close with Helbig. Helbig whispers it in
7 John Gotti's ear. Always with him when it happens is the
8 captain that Helbig reports to, Joe "Butch" Corrao. That's
9 one prong of obstruction of justice. It's bribery of a public
10 servant.

11 In fact, let's focus right now on that prong. We'll
12 walk through the chart to the extent it deals with the corrupt
13 cop. November 1, John Gotti whispers to Helbig, very
14 difficult to hear, very short conversation, to try and find
15 out about the upcoming pinch, whether it's going to be state
16 or federal.

17 More light is shed on what happens, because on
18 November 29 -- down here is the -- we'll get to this. This is
19 the obstruction of justice with respect to Remini testifying
20 in the Gambino trial. They do a lot of this at once, kind of
21 tough to sort it out. We'll sort it out. What's below the
22 line deals with Remini's obstruction of justice in the Gambino
23 trial. With respect to Helbig and Corrao and their corrupt
24 hook, November 29. I'm not sure whether you're in with us or
25 not.

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1 There's a conversation in the hallway. There's a lot
2 of whispering. One of the things you can hear is just a
3 little piece you can hear, enhancing position, it's Gotti,
4 Helbig and Joe "Butch" Corrao. There comes a point in the
5 conversation where they say, get Jerry out here.

6 Jerry Shargel is a lawyer. He was in the club. They
7 pulled him out into the hallway and asked him about whether or
8 not it's possible for John Gotti to be charged federally with
9 the murder. John Gotti gave him a hypothetical. He said it's
10 not about me. It's not about me. It's a guy like me.

11 Can he be charged with this?

12 (Continued on next page.)

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1 Shargel mouths the words of the statute, the statute
2 that is before you with respect to three of the murders in
3 this case, murder to enhance your position in an enterprise.

4 What happened was before Helbig and Corrao -- before
5 Shargel came out into the hallway, Helbig and Corrao were
6 whispering information from their corrupt source. Shargel was
7 called out -- he is a lawyer -- to find out whether or not
8 there is such a statute, enhancing position.

9 You also know what happened that night, because the
10 very next night, Michael Coiro, fresh from his conviction in
11 this courthouse, is called to the Ravenite.

12 Gotti asks him to check with his source to see who
13 was going to get arrested. He told him he had heard the day
14 before from another source, the other source is Helbig and
15 Corrao.

16 He said that he heard that he was going to get
17 arrested. He says to Coiro, I got some names. He even gave
18 him two names, Gene Gotti and Peter Gotti, but he didn't want
19 to tell Coiro all the information he got from Helbig and
20 Corrao, he wanted to do what you should be doing in this case,
21 you corroborate information.

22 John Gotti got information from one corrupt source
23 that he was going to be arrested for murder, for enhancing his
24 position in an enterprise by murder. He pulls in another
25 corrupt source, convicted that day, to corroborate that.

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1 I got some names. I want to hear if they coincide.
2 We'll be good to him in the past, we'll be good to him in the
3 future. Mike Coiro says, I'll go see him tomorrow.

4 In his opening statement, Mr. Krieger said, the only
5 thing that triggers these considerations is media coverage.
6 That is absolutely wrong.

7 What triggers these conversations, which occur in the
8 context of media coverage, there are legitimate ways to get
9 information; you read about it in the media. You send your
10 lawyer to talk to Charlie Rose, an Assistant U.S. Attorney in
11 this office. There are legitimate ways to do it.

12 But these conversations are not prompted by
13 information obtained from the media. They are prompted by
14 information obtained from their corrupt hooks.

15 He asks Coiro to corroborate the information he got
16 the night before. That is how you know, in addition to the
17 other proof, what Helbig and Corrao were whispering to him in
18 the hallway.

19 You know it even further because that part of the
20 case, the bribery of a public servant, is blown out of the
21 water, the defendants are blown out of the water by what
22 happens in January.

23 January 1, 1990. The electronic surveillance
24 directed at Salvatore Gravano at Stillwell Avenue by the
25 Brooklyn District Attorney's office is switched from the
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1 District Attorney's Office up to the state agency, the
2 Organized Crime Task Force in White Plains. The whole
3 investigation is switched up there. January 1, 1990 that is
4 done.

5 Lo and behold, January 17, 1:20, Detective William
6 Piest, Pete Mavis' cousin, checks out of his office in the
7 Intelligence Division, and visits the Brooklyn District
8 Attorney's Office.

9 At 7:20, the other link in the chain -- in between is
10 Mavis -- at 7:20, Helbig and Corrao report that Gravano's
11 investigation has been turned over to the state. That is what
12 Piest finds out that day.

13 The defendants speculate about why. They speculate
14 about whether Gravano is under indictment. They want to find
15 out when he is going to get arrested, if he is.

16 John Gotti says, Georgie, could you do -- you could
17 do me a favor, tell him, give me some, a little more
18 specifics. Even if he's got to get a few dollars, give him a
19 few more. Helbig: I will send him a message tonight.

20 This other conversation in there about even if he's
21 not working directly on the case, they are like wiseguys, they
22 know people who are working on the case. He could find out.
23 We want to know. Helbig: I will send a message tonight.

24 At 7:57, Corrao and Helbig leave the club, and what
25 do you know? At 8:10 10, Mavis, the other link in the chain

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1 between Helbig and the corrupt cop, makes a phone call to
2 William Piest.

3 There is absolutely no question that the
4 administration of the Gambino crime family paid for, through
5 Joe "Butch" Corrao and George Helbig, paid for information
6 corruptly obtained from the Intelligence Division of the New
7 York City Police Department.

8 In addition to this proof, there is conversation on
9 that January 17 tape about who the source is. They talk about
10 the fact that Peter Mavis is the person who has -- Peter is
11 the cousin who has the cop. They talk about the fact that
12 Peter is a loanshark customer of Sam Gravano. In fact, John
13 Gotti wonders out loud why Peter Mavis is borrowing money from
14 Gravano when Joe "Butch" Corrao, who Helbig answers to, has
15 such a big loanshark book.

16 There's one other thing. At the end of this
17 conversation, January 17, 1990, John Gotti complains about all
18 the cops that Joe "Butch" Corrao has around him. It seems
19 like every time you turn around, Joe "Butch" Corrao has a cop
20 or an ex-cop around him.

21 The last thing he says, he says, all right, if this
22 guy, it's okay because we gotta milk him. But he doesn't like
23 people having cops around him.

24 They milk this cop. That is bribery of a public
25 servant. The cop is a public servant. Under New York law,

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1 that establishes that racketeering act.

2 The obstruction of justice with respect to the
3 Castellano grand jury investigation, that is why Mike Coiro
4 was called in. Mike Coiro was asked to both -- both Helbig
5 and Corrao were asked to go to their corrupt cop about that,
6 that's what happened back in November, find out if it's
7 federal or state.

8 They report on November 29 what it's going to be.
9 Mike Coiro is called in to go contact his corrupt source. The
10 reason he has to contact his corrupt source is it's very
11 important. This is a business, this is not random crime, this
12 is a crime business.

13 John Gotti tells you why it's important for them to
14 find this out. We gotta get ready. You go in status quo, he
15 goes in status quo, I go in status quo. If we all go in we've
16 got problems.

17 He encourages both of his hooks, he encourages both
18 Coiro and Helbig and Corrao, to tell their corrupt source,
19 don't worry, I'm not going to run. Feel free to give the
20 information, I'm not gonna run. I can't talk for other people
21 around me, he tells Mike Coiro, I can't talk about these other
22 people who might get arrested, they might take off. I won't
23 run.

24 This is obstruction of justice. It's a corrupt
25 endeavor to obstruct the due administration of justice. In

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1 the Castellano murder investigation, that's one of the
2 racketeering acts.

3 At the bottom, obstruction of justice in the trial of
4 Thomas Gambino. The only defendant charged with this is
5 John Gotti, because he's the one who ordered it. I will read
6 for you what is on here.

7 It starts November 8, 1989. Gotti describes the
8 order he gave to Remini's attorney, Jerry Shargel. Shargel
9 served a purpose. He was one of the lawyers about whom
10 John Gotti spoke at length. He represented people and he
11 protected the interests of the Gambino family.

12 You're not allowed to jeopardize other people, that's
13 what we get to here in a moment. November 8, 1989, John Gotti
14 reports that he told Jerry Shargel, if Georgie, George Remini,
15 is on a case alone, it's a malicious moper, a drunken driving
16 case. You want to take a plea, go ahead and take a plea. You
17 got no right to jeopardize other people.

18 In the trial of Tommy Gambino, three significant
19 folks were subpoenaed, John Gotti, Joe "Butch" Corrao, George
20 Remini. John Gotti's response is, nobody's going to testify.
21 Get my cell ready. Get Joe "Butch's" ready. Get Fat
22 Georgie's cell ready, and nobody's taking the stand.

23 You're not allowed to do this. There's a fundamental
24 constitutional right to put the government to its proof.
25 These defendants have an absolute right to remain silent; the

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1 backbone of our system of justice.

2 We have to prove our case. We have to prove a
3 criminal case other than through the defendant. We have to go
4 to witnesses. You can't tamper with those witnesses. You have
5 no right to tell somebody to take the Fifth Amendment, much
6 less to take a contempt. You cannot do this. It is
7 obstruction of justice. You cannot tell attorneys to make
8 sure this happens. That is obstruction of justice.

9 By the way, this is not Solidarity; this is not one
10 for all-one for all; this is all for John Gotti.

11 If George Remini testifies when he's asked to do so
12 when he is immunized, one of the things about which he'll be
13 questioned is this long conversation in January of '86 that
14 we've talked about several times.

15 It deals with the Connecticut operation, it deals
16 with Tommy Gambino being a captain and it deals with the
17 problems of DeBrizzi coming in. If George Remini testifies,
18 it puts John Gotti in trouble. You're not allowed to
19 jeopardize other people, much less him, especially him.

20 On November 10, 1989 -- it's entirely possible to do
21 nothing with respect to this count except show you this one
22 transcript -- John Gotti persuades George Remini to commit
23 contempt. That is a crime. You can't do it.

24 Georgie, please, listen to your brother, I wouldn't
25 steer you wrong -- excuse me, I wouldn't steer you wrong, you

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1 are gonna go sit, God forbid. Hopefully you wouldn't have to,
2 you are going to go sit for six, seven days, it's not a pinch,
3 only a violation, but the minute the case is over, open
4 Georgie's cell, out. You can't do this.

5 On November 15, irony of ironies, Michael Coiro is on
6 trial in this courthouse. Jerry Shargel is representing
7 George Remini in this courthouse, trying to quash the
8 subpoena.

9 The judge says, no, I am not going to quash the
10 subpoena. Michael Coiro finishes his trial day, trots back
11 across the river, reports to John Gotti, reports to the boss
12 about what is happening with Remini.

13 John Gotti responds, tell him yes. He's gonna
14 testify. When it comes time, he don't testify. Michael Coiro
15 runs a message from Jerry Shargel, who represents Remini, who
16 is protecting John Gotti's interests, runs a message back from
17 Shargel, the motion to quash the subpoena is going to get
18 denied; he's going to have to testify. Those are the
19 instructions. He uses the attorneys as go-betweens.

20 November 28, 1989, Remini commits his contempt. He
21 refuses to answer questions. The other subpoenas were
22 withdrawn. Remini commits his contempt. Tommy Gambino gets
23 acquitted, nobody gets jeopardized, least of all, the boss.

24 What is left on this chart? March 29, 1990, I
25 alluded to this before connection with the effort to

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1 obstruct -- oh, there's a separate count in the indictment, as
2 I mentioned to you at the outset, of conspiracy to obstruct
3 not only the Castellano murder investigation that we talked
4 about, but the Gambino family investigation in this district.

5 Bear with me just a moment. That broader count is an
6 agreement, it's not actual obstruction, it's an agreement on
7 the part of both of these defendants, along with Gravano, to
8 obstruct justice in both grand jury investigations on both
9 sides of the river.

10 An agreement, the judge will tell you what a
11 conspiracy is, it is just an agreement, it is an understanding
12 between people to accomplish a criminal purpose.

13 Some people play big roles, some people play small
14 roles. Frank Locascio sometimes doesn't speak much in
15 connection with the conspiracies in this case, he's there,
16 he's there for a purpose, he's the acting underboss.

17 This is another agreement, an agreement to obstruct
18 two grand jury investigations. It's broader in the sense that
19 it embraces all of the obstructive activities that are
20 mentioned in the racketeering acts. It includes the Coiro
21 hook, it includes the Helbig and Corrao hook.

22 This administration agreed to use those hooks to
23 obstruct law enforcement. You will see alleged -- there are
24 overt acts alleged in the indictment.

25 A conspiracy is an agreement to commit a crime.

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1 Pursuant to that type of agreement, to this type of
2 conspiracy, there needs to be one overt act committed by one
3 of the conspirators. It's the difference between a mere
4 agreement and something being done in furtherance of the
5 conspiracy.

6 What is done in furtherance of it need not even be
7 against the law. Overt acts alleged as part of this
8 conspiracy include the meeting with John D'Amato, because the
9 meeting with John D'Amato was about killing somebody who could
10 jeopardize people, who could hurt families, who could testify.

11 Included in there is the fact that Michael Coiro, as
12 part of an overt act to obstruct justice, as part of the
13 agreement with these people, came before the grand jury in
14 this district and lied on three occasions.

15 Michael Coiro forgot this conversation. He says he
16 forgot it because he got convicted that day and he wasn't
17 drunk but had a drink. Mike Coiro also forgot this
18 conversation.

19 Michael Coiro testified in the grand jury he never
20 went anywhere in the Ravenite except the club itself. He must
21 have forgotten that he went into the hallway to report about
22 the Remini subpoena. He forgot about the fact that the boss
23 of the Gambino family asked him to reach out for a corrupt
24 source. Mike Coiro forgot nothing. He did what he was
25 supposed to do.

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1 On November 30, 1989, when he's pulled up to that
2 apartment, the first thing John Gotti says to him is, Mike,
3 what you get told you forget here. That's what he did. When
4 he got called in the grand jury, he forgot it. He didn't say
5 it.

6 The night before he went in the grand jury he went to
7 Queens and walked around the block with John Gotti, and the
8 reason he walked around the block is because he was afraid the
9 conversation would be overheard.

10 When Mike Coiro went in the grand jury the next day
11 he lied for a reason. He lied to obstruct the grand jury
12 investigation.

13 You will have, as exhibits, they are in evidence,
14 excerpts of Michael Coiro's grand jury testimony. After you
15 listen to the November 30 conversation involving him, read
16 those excerpts, read those excerpts. They are this conspiracy
17 to obstruct justice.

18 MR. MITCHELL: I object.

19 MR. GLEESON: I am just about done. Thank God,
20 everybody is thinking.

21 Taxes. These two defendants are charged with
22 conspiring to defraud the Internal Revenue Service, with
23 conspiring to defraud the Internal Revenue Service in figuring
24 out what John Gotti's income is, what the taxes he owes are.

25 You will hear, when you hear the allegations in the
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1 indictment, some, what I submit to you, are very, very
2 self-evident propositions based on this evidence.

3 John Gotti is really the boss of the Gambino family.
4 He makes a ton of money, an absolute ton of money, as a result
5 of that.

6 I don't know how many of these you can stand. I'll
7 read you some of them. The money that John Gotti makes is
8 staggering.

9 The allegations, as it relates to this conspiracy to
10 defraud the IRS, are as follows: Although he's the boss of
11 the Gambino family, he took steps to pretend that he was in
12 fact working for a construction company, that he was working
13 for a plumbing supply company, a plumber, Arc Plumbing; that
14 he was in fact involved in the sale of zippers in the garment
15 center; that he took steps to defraud the IRS.

16 He never said he was boss. He can't say he's boss.
17 He said he sold zippers, he sold plumbing, he sold
18 construction.

19 There's a lot mentioned on these tapes, even though
20 there are only six hours of these apartment tapes, and there
21 really aren't very many things John Gotti doesn't talk about
22 when it comes to businesses that the Gambino family controls
23 and that he's involved in. But two of the things he never
24 talks about, selling plumbing and selling zippers, because he
25 doesn't do that.

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1 You met his employers. One of them told you the
2 truth. Ignacio Manucci came in and told you John Gotti did
3 nothing for him.

4 Two others, Anthony Gurino and Michael Coiro, the
5 obstruction of justice twins, came in and told you that in
6 fact John Gotti was their full-time employee -- excuse me,
7 Gurino said that he was John Gotti's boss and John Gotti rides
8 around looking for construction sites.

9 Mike Coiro -- you know what Mike Coiro said. A
10 company was opened. Michael Coiro and John Gotti were owners
11 and neither of them did anything. Some guy named Louis Kasman
12 did all of that.

13 John Gotti tells you why it was opened. He says it.
14 Michael Coiro, by his demeanor, told you what happened.
15 Nothing he said was true. Michael Coiro went into the garment
16 center four or five years ago, exactly when John Gotti says on
17 tape he started a partnership with Albee Trimming, and John
18 Gotti tells you what the truth is.

19 He put himself on the payroll, he says this himself,
20 December 12, 1989, he put himself on the payroll, in his
21 terms, to keep his ass out of jail.

22 He put himself on the payroll for tax purposes. The
23 indictment says that financial transactions were arranged in a
24 way so as to conceal the source and amount of John Gotti's
25 income.

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1 Lawyers took money under the table. Lawyers can't
2 report the amount of income they make when they work for John
3 Gotti because it will get them in trouble.

4 The coconspirators here, including Frank Locascio,
5 are the phony employers, Mike Coiro, Anthony Gurino, Ignacio
6 Manucci. The coconspirators here include all of the people on
7 that chart who give John Gotti money in cash to make sure, to
8 make sure that he doesn't get in trouble with the IRS.

9 There are overt acts alleged in this conspiracy, just
10 as there are for the obstruction of justice conspiracy. One
11 of the overt action is the phony employment at Capri
12 Construction; another is the phony employment at Arc; another
13 is the phony employment at Scorpio Marketing.

14 Another is his discussion with his underboss,
15 Mr. Correct-me-if-I'm-wrong Frankie; his discussion with him
16 about whether the amount of income John Gotti shows is okay.
17 Is it enough?

18 They go through what his expenses are, what his
19 traceable expenses are: His mortgage, his car payment, Blue
20 Cross payment.

21 The boss and the underboss discuss whether or not
22 John Gotti shows enough income to cover the reported
23 expenses. This is classic tax fraud. It's what you have to
24 engage in when you are the boss of a crime family.

25 MR. MITCHELL: I object.

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1 There are six other overt acts that relate to the
2 failure to file tax returns. I don't have much to say about
3 that. You saw Murray Appleman. Murray Appleman is a joke.
4 Murray Appleman is an opinion for hire.

5 (Continued next page)

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1 MR. GLEESON: (Continuing.)

2 He doesn't need to know a single thing about you. He
3 doesn't need to meet you. He doesn't need to hear the
4 slightest thing about your tax situation. He doesn't need to
5 know anything.

6 You tell him you're under investigation. He'll give
7 you an opinion letter. It is a joke.

8 The law -- with respect to these overt acts, which is
9 all Murray Appelman addresses, with respect to these overt
10 acts, it is a joke.

11 John Gotti used Bruce Cutler to buy himself an
12 opinion. If counsel stand up and say that he relied in good
13 faith on that, the record does not support it. The opinion is
14 a joke.

15 I think I have covered everything. There is a lot of
16 proof in the case. There is an allegation by counsel in their
17 opening statements that all this government wanted to do was
18 get John Gotti.

19 When you hear those allegations again, think about
20 the evidence. Think about the fact that, like I said when I
21 started, this is a trial in an American courtroom. There are
22 very, very careful procedures that are employed to make sure
23 that what you base your verdict on is evidence, and in this
24 case, there were careful procedures that were employed to make
25 sure that nothing but the evidence got to you.

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1 That's very important. This is not a circus. This
2 is not the movies. This is real life. It is not cake and
3 candy and frills and ice cream, as Mr. Krieger said in his
4 opening statement.

5 Because when the window gets opened you see what you
6 are dealing with, and it is just proof, that's all it is. It
7 is evidence.

8 If you have read back to you the testimony of
9 Salvatore Gravano based on that alone you can convict on
10 everything.

11 If you listen back to these tapes, based on that
12 alone, you can convict and you should convict on everything.

13 These counts are proved by overwhelming evidence.

14 We will have an opportunity after the defense
15 summations to address you again, because it is our burden. We
16 welcome the burden. We shoulder the burden.

17 This burden is carried by this proof. We will
18 address you again and until then, thank you very much for
19 sticking with me the whole day.

20 Thank you.

21 THE COURT: We are going to recess until 9:30
22 tomorrow morning.

23 Again, please don't discuss -- don't discuss the
24 case. Have a pleasant evening.

25 I will see you tomorrow.

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1 (The following occurred in the absence of the jury.)

2 THE COURT: Mr. Gleeson, would you at some point mark
3 all the charts that you used for identification?

4 MR. GLEESON: Yes.

5 I think what we will do is a letter for the record,
6 just to show what the exhibit numbers are and what the charts
7 are.

8 THE COURT: All right.

9 MR. GLEESON: I will also provide -- maybe what we
10 will do is provide a copy of them for the record as well.

11 THE COURT: I think that might be useful.

12 As well as just an identification number for each
13 chart.

14 MR. GLEESON: Yes. We will, Your Honor.

15 MR. KRIEGER: I would appreciate if they left it
16 here. We may want to use some during our summations.

17 MR. GLEESON: Yes. They will be here.

18 THE COURT: By all means.

19 MR. MITCHELL: Your Honor, would the Court consider
20 an instruction to the jury? I believe during some portion of
21 Mr. Gleeson's closing statements, just near the very end, he
22 made a request for the jury to read the grand jury testimony
23 which had been marked in evidence of Mr. Coiro and to rely
24 upon what was in that grand jury testimony, to determine that
25 indeed an obstruction of justice had taken place.

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1 Your Honor may recall, I objected to the admission of
2 that. It was admitted not for the truth of the facts
3 asserted, if Your Honor remembers. It was that sort of
4 silliness about -- it's not true that it's a false kind of
5 thing.

6 I don't think it is fair comment, Your Honor, to get
7 it in for one purpose and then ask the jury to substantively
8 rely upon it.

9 THE COURT: Submit a proposed charge.

10 MR. MITCHELL: All right, I will, sir.

11 THE COURT: Does the government wants to respond?

12 MR. GLEESON: Yes.

13 We are asking the jury to conclude that the
14 statements are false. That's why we offered them. And that
15 their falsity was in furtherance of the conspiracy.

16 THE COURT: Mr. Mitchell, submit what it is that you
17 would like me to consider and I will.

18 MR. MITCHELL: Very well, Judge.

19 THE COURT: I am also having difficulty,
20 Mr. Mitchell, with your request for a continuing objection
21 which I grant and then you continue to make objections.

22 MR. MITCHELL: I'm sorry, Your Honor. I understand
23 that. I do understand that I have the continuing objection.

24 But there -- perhaps it is just an emotional level.
25 There come times where Mr. Gleeson and my view steps far over
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1 the line and I can't control myself, I guess is the way to put
2 it. Such as with -- that's an example of it, Your Honor.

3 THE COURT: Mr. Krieger, do you have any idea, any
4 better idea as to how long you will be tomorrow?

5 MR. KRIEGER: I would guess that -- we are not going
6 to squeeze Mr. Maloney in. I said, the way it looks to me at
7 the present time, I don't think -- I think that Mr. Cardinale
8 and I probably will take the day.

9 THE COURT: Okay. All right.

10 MR. KRIEGER: Right?

11 MR. CARDINALE: Yes.

12 MR. KRIEGER: If it works out otherwise, you'd
13 better be ready.

14 (Whereupon, a recess was taken until March 28, 1992,
15 at 9:30 am.)

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